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, November 10, 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/84950844222 **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

15th Meeting

1. Call to Order.

2. Motion to approve minutes of Open Session held on October 20, 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.) 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]

   b.) Richard Charest, the former secretary of the Rhode Island Office of Health and Human Services, requests an advisory opinion regarding what limitations, if any, the Code of Ethics places upon him in his new private employment as the chief executive officer of CharterCARE Health of Rhode Island, a private community-based health system. [Staff Attorney Popova Papa]

c.) Daniel P. Connors, the former Director of Interagency Operations with the Rhode Island Office of Health and Human Services, requests an advisory opinion regarding the application of the revolving door provisions of the Code of Ethics relative to his advocacy work and his ability to represent his new private employer, the Hospital Association of Rhode Island, and its members before the Rhode Island General Assembly and Rhode Island executive branch agencies other than the Office of Health and Human Services including, but not limited to: the Office of the Governor and the Department of Administration, within one year of leaving state service. [Staff Attorney Popova Papa]

d.) Patricia A. Alley, a member of the South Kingstown Town Council, who in her private capacity is the president of Sow a Seed South County, a private non-profit organization, requests an advisory opinion regarding whether the safeguards proposed in her request for the instant advisory opinion are sufficient to insulate her from conflicts of interest under the Code of Ethics while simultaneously fulfilling her duties in either position and, if not, what additional safeguards are necessary. [Staff Attorney Popova Papa]

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

   a.) Motion to approve minutes of Executive Session held on October 20, 2026, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) & (4)

   b.) Litigation update re: K. Joseph Shekarchi vs. Rhode Island Ethics Commission, Supreme Court No. SU-2026-313-A, pursuant to R.I. Gen. Laws § 42-46-5(a)(2).

   c.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on November 10, 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 November 5, 2026

RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: November 10, 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.

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

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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.

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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

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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)

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§ 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: November 10, 2026

Re: Richard Charest

QUESTION PRESENTED:

The Petitioner, the former secretary of the Rhode Island Office of Health and Human Services, a state appointed position, requests an advisory opinion regarding what limitations, if any, the Code of Ethics places upon him in his new private employment as the chief executive officer of CharterCARE Health of Rhode Island, a private community-based health system.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the former secretary of the Rhode Island Office of Health and Human Services, a state appointed position, is prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness, before the entire: Office of Health and Human Services and all of its departments, divisions, offices, sections; the Department of Administration; the Office of the Governor; and/or state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, until the expiration of one year after leaving state service.

The Petitioner is the former secretary of the Rhode Island Office of Health and Human Services (EOHHS). The Petitioner represents that he was appointed to that position by Governor McKee in 2023 and that he served in that position until October 31, 2026. The Petitioner explains that as secretary he was the state's senior executive responsible for coordinating health and human services policy, overseeing the administration of the state's Medicaid program as the designated single state Medicaid agency, and ensuring that the state's health and human services agencies work together effectively. The Petitioner states that the secretary provides executive leadership and coordination among the state agencies that administer Medicaid-funded services and programs, including the Department of Human Services (DHS), the Department of Children, Youth & Families (DCYF), the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH), and the Department of Health (RIDOH). He further states that the secretary sets strategic

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direction, coordinates policy and financing, integrates budgets and systems, resolves disputes, reviews major Medicaid initiatives, and holds department directors accountable. The Petitioner represents that although the secretary exercises broad coordination and policy responsibilities with respect to Medicaid and the state's health and human services system, the departments assigned to EOHHS retain their respective statutory authorities and responsibilities pursuant to R.I. Gen. Laws § 42-7.2-6.[1] In addition to overseeing RIDOH, DHS, DCYF, and BHDDH, EOHHS is also responsible for managing the Office of Healthy Aging (OHA) and the Office of Veterans Services (VETS).[2]

The Petitioner states that the duties of the secretary are set forth in R.I. Gen. Laws § 42-7.2-5, which, in addition to the ones described above include, but are not limited to: serving as the governor's chief advisor and liaison to federal policymakers on Medicaid reform issues; resolving administrative, jurisdictional, operational, program, or policy conflicts among departments and their executive staff and making necessary recommendations to the governor; preparing and integrating comprehensive budgets for the health and human services departments; providing regular and timely reports to the governor and making recommendations with respect to the state's health and human services agenda; and holding the director of each health and human services department accountable for their administrative, fiscal, and program actions in the conduct of the respective powers and duties of their agencies. In performing his duties, the secretary is "subject to the direction and supervision of the governor for the oversight, coordination, and cohesive direction of state-administered health and human services and in ensuring the laws are faithfully executed." Id.

The Petitioner notes that as secretary he either personally served on or had a designee serving on his behalf on various boards. Among the boards on which the Petitioner served in his capacity as secretary are the following: Independent Advisory Council; Health Care Accountability and Transparency Program; Health Care Planning and Accountability Advisory Council; Health Care System Planning Cabinet; and RI Children's Cabinet.

[1] As an example, the Petitioner explains that RIDOH serves as the state's independent hospital licensing and regulatory authority through its own established legal and administrative processes. However, while the secretary of EOHHS provides executive leadership and oversight to the RIDOH, the RIDOH continues to carry out its independent regulatory responsibilities with respect to hospital oversight, licensure, and review of healthcare transactions in accordance with the statutory authority specifically conferred to the RIDOH.

[2] See https://eohhs.ri.gov/about-eohhs (last visited October 27, 2026).

The Petitioner represents that, on October 14, 2026, the board of directors of CharterCARE Health of Rhode Island voted to appoint him, in his private capacity, as CharterCARE's chief executive officer with a start date of November 1, 2026. He explains that CharterCARE is a community-based health system that includes Roger Williams Medical Center, Our Lady of Fatima Hospital, Roger Williams Cancer Center and Southern New England Rehabilitation Center, as well as CharterCARE Medical Associates, a multi-specialty physician organization. The Petitioner further explains that CharterCARE's board of directors is responsible for overseeing the organization's mission, strategy, financial stewardship, and executive leadership. He states that as CharterCARE's chief executive officer, he serves as the senior executive responsible for implementing the strategic direction approved by the board, managing the system's day-to-day operations, overseeing financial and operational performance, supervising executive leadership, ensuring compliance with applicable laws and regulations, and advancing CharterCARE's clinical, business, and community health objectives. The Petitioner represents that, in performing his duties, he is overseen by the board of directors. Cognizant of the Code of Ethics and desirous of acting in conformance therewith, the Petitioner states that, in his capacity as CharterCARE's chief executive officer, he will refrain from interacting with state agencies during the pendency of his request for the instant advisory opinion. However, given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding what limitations, if any, the Code of Ethics places upon his new private employment as the chief executive officer of CharterCARE.

Under the Code of Ethics, a public official shall not represent himself or any other person, or act as an expert witness, before any state agency of which he is a member or by which he is employed. R.I. Gen. Laws § 36-14-5(e)(1)-(3). Furthermore, the Code of Ethics prohibits any director or head of a state department from representing himself or any other person before the Office of the Governor or the Department of Administration (DOA). 520-RICR-00-00-1.5.5(B) State Executive/Administrative Revolving Door (36-14-5015) (Regulation 1.5.5(B)). These "revolving door" restrictions were enacted to minimize any undue influence a former public official might have in a matter before his former agency or, in the case of an executive branch department head, before the DOA or the Office of the Governor. Additionally, these prohibitions apply to the entire agency, including all of its offices, sections, programs, or divisions and last while the public official is serving and for a period of one year thereafter. § 36-14-5(e)(4); Regulation 1.5.5(B)(3).

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. R.I. Gen. Laws § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined

(36-14-5016).[3] The above prohibitions do not extend to the performance of ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.[4] A person is defined as "an individual or a business entity." § 36-14-2(7). Additionally, §§ 36-14-5(c) & (d) prohibit the use and/or disclosure of confidential information acquired by a public official during the course of, or by reason of, his official employment, particularly for the purpose of obtaining financial gain.

The Ethics Commission has issued numerous advisory opinions interpreting the requirements of § 36-14-5(e)(4) or Regulation 1.5.5 with respect to former state employees or officials interacting with their former agencies during the one-year period following the severance of their state employment. In Advisory Opinion 2019-72, for example, the Ethics

[3] See, e.g., A.O. 2024-13 (opining that a DCYF social caseworker was not prohibited from accepting private employment as a clinician with The Inner You Counseling Center offering therapeutic services to adolescents, provided that she was prohibited, among other things, from appearing before DCYF as an Inner You clinician, which included, but was not limited to, reporting to DCYF on an Inner You client who subsequently became open to DCYF services; acting as an expert witness on behalf of an Inner You client or Inner You; or submitting to DCYF documentation from Inner You that contained the petitioner's name, or which was identifiable as the petitioner's work product); A.O. 2008-62 (opining that a former social caseworker in the Long Term Care Unit within the DHS, was not prohibited from working as an independent contractor assisting a private attorney with the preparation of medical assistance applications on behalf of the attorney's clients, given that the attorney was the one filing the applications with DHS, and provided that the petitioner did not have any direct contact with or appear to represent the clients, the attorney, or anyone else, before DHS or any of its members or staff, for a period of one year after the date of her official severance from her position).

[4] See, e.g., A.O. 2013-28 (opining that a former principal policy associate for the Rhode Island Office of the Health Insurance Commissioner (OHIC) could accept private employment, provided that he did not represent his private employer before the OHIC during that year and any contacts that he had with the OHIC were purely ministerial in nature, such as hand-delivering documents, reviewing public records, and requesting public information); A.O. 2010-23 (opining that the former chief administrative officer of the Rhode Island Board of Medical Licensure and Discipline for the RIDOH, who was then employed as the chief medical officer for Landmark Medical Center, was not prohibited from making informational inquiries to the RIDOH and from reporting information to it, including information mandated by state statute or regulation to be reported, such as information about illness or communicable diseases, or the treatment of impaired physicians, since he would not be "representing" himself or another before his former agency).

Commission opined that the former Director of Administration for the State of Rhode Island was prohibited by the Code of Ethics from representing himself or his new private employer before the Office of the Governor, the DOA and its divisions, all agencies within the Executive Branch of Government with which he had "substantial involvement" as defined by the Code of Ethics, and all state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, until the expiration of one year after leaving his public position. See also A.O. 2022-20 (opining that former chief of staff to the Lieutenant Governor of the State of Rhode Island and former interim chief financial officer for the RIDOH was prohibited from representing himself or the Rhode Island League of Cities and Towns, a private non-profit organization for which he was the executive director, before the Office of the Lieutenant Governor and the RIDOH for one year following the severance of his public employment from each of those agencies, respectively, but was not prohibited from representing himself or the Rhode Island League of Cities and Towns before the Rhode Island General Assembly, the Governor's Office, and the various other State Departments under the control or appointing authority of the Governor); A.O. 2017-4 (opining that a former deputy budget officer in the Office of Management and Budget, a division of the DOA, was prohibited from representing his new private employer, the Rhode Island League of Cities and Towns, before the Office of the Governor, the DOA and its divisions, including the Office of Management and Budget, as well as any other state agencies with which he had substantial involvement as part of his prior public duties, until the expiration of one year after leaving his public position); A.O. 2017-2 (opining that a former chief strategy officer for the EOHHS who performed the duties of the Director of the DCYF, was not permitted to represent her new private employer before the DCYF, EOHHS, DOA, or the Office of the Governor for a period of one year after leaving state service).

Here, based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and a review of prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is prohibited by the Code of Ethics from representing himself or others, including his new private employer, or from acting as an expert witness, before the entire: EOHHS and all of its departments, divisions, offices, sections, and programs including, but not limited to, the RIDOH, DHS, OHA, VETS, DCYF, and BHDDH; the DOA; and the Office of the Governor for a period of one year after leaving state service. The Petitioner is further prohibited by the Code of Ethics from representing himself or others before state or municipal boards and/or commissions on which he personally served or appointed a designee to serve in his place, until the expiration of one year after leaving his public positions including, but not limited to: Independent Advisory Council; Health Care Accountability and Transparency Program; Health Care Planning and Accountability Advisory Council; Health Care System Planning Cabinet; and RI Children's Cabinet.

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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 aforementioned public agencies are not prohibited.

Additionally, consistent with §§ 36-14-5(c) and (d) of the Code of Ethics, the Petitioner may not use and/or disclose confidential information acquired by him during the course of, or by reason of, his public employment, particularly for the purpose of obtaining financial gain. Lastly, until the expiration of one year following the date of his severance from state service, the Petitioner is advised, when in doubt, to seek further guidance from the Ethics Commission regarding the Code of Ethics' potential application to his interactions with public agencies.

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(7)
§ 36-14-2(12)
§ 36-14-2(13)
§ 36-14-5(e)
§ 36-14-5(c)
§ 36-14-5(d)
520-RICR-00-00-1.5.5 State Executive/Administrative Revolving Door (36-14-5015)
520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

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Other Related Authority:
§ 42-7.2-5
§ 42-7.2-6

Related Advisory Opinions:
A.O. 2024-13
A.O. 2022-20
A.O. 2019-72
A.O. 2017-4
A.O. 2017-2
A.O. 2013-28
A.O. 2010-23
A.O. 2008-62

Keywords:
Post-Employment
Representing Oneself or Others
Revolving Door
State Executive/Administrative Revolving Door

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RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: November 10, 2026

Re: Daniel P. Connors

QUESTION PRESENTED:

The Petitioner, the former Director of Interagency Operations with the Rhode Island Office of Health and Human Services, a state employee position, requests an advisory opinion regarding the application of the revolving door provisions of the Code of Ethics relative to his advocacy work and his ability to represent his new private employer, the Hospital Association of Rhode Island, and its members before the Rhode Island General Assembly and Rhode Island executive branch agencies other than the Office of Health and Human Services including, but not limited to: the Office of the Governor and the Department of Administration, within one year of leaving state service.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, the former Director of Interagency Operations with the Rhode Island Office of Health and Human Services, a state employee position, is prohibited by the Code of Ethics from representing himself or others, including his new private employer and its members, or from acting as an expert witness, before the entire Office of Health and Human Services and all of its departments, divisions, offices, sections, and programs, and before state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place.

The Petitioner represents that he was employed as Director of Interagency Operations with the Rhode Island Office of Health and Human Services (EOHHS) from March 2023 until October 3, 2026. The Petitioner further represents that as Director of Interagency Operations, he served as the chief of staff to the secretary of the EOHHS and that his primary duties included, but were not limited to, providing support to the EOHHS secretary, attending weekly executive leadership meetings, and interacting with the various agencies within the EOHHS. The Petitioner clarifies that he was not a member of the

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Governor's Cabinet. The Petitioner states that EOHHS includes the following departments: the Department of Human Services (DHS), the Department of Children, Youth & Families (DCYF), the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH), and the Department of Health (RIDOH). The Petitioner represents that as part of his official duties, he was also appointed by the Governor to serve as a member of the Health Services Council, which is a statutorily created advisory board to the RIDOH regarding healthcare facility licensing reviews, matters of policy, and the development of rules, regulations, and standards for healthcare facilities. The Petitioner notes that he did not have any oversight or control over any agencies outside the EOHHS.

The Petitioner represents that on October 5, 2026, upon leaving state service, he began his new private employment as a general counsel and executive director of the Hospital Association of Rhode Island (HARI), a statewide trade organization that advances the interests of its member hospitals through advocacy, representation, education, and other services on a state and national level.[1] The Petitioner notes that, in particular, HARI serves its members by representing and advocating for their interests before the Rhode Island General Assembly and various other state agencies. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding the application of the revolving door provisions of the Code of Ethics relative to his advocacy work and his ability to represent his new private employer, HARI, and its members before the Rhode Island General Assembly and Rhode Island executive branch agencies other than the Office of Health and Human Services including, but not limited to, the Office of the Governor and the Department of Administration, within one year of leaving state service.

Under the Code of Ethics, a public official shall not represent himself or any other person, or act as an expert witness, before any state agency of which he is a member or by which he is employed. R.I. Gen. Laws § 36-14-5(e)(1)-(3). These "revolving door" restrictions were enacted to minimize any undue influence a former public official might have in a matter before his former agency. Additionally, these prohibitions apply to the entire agency, including all of its offices, sections, programs, or divisions and last while the public official is serving and for a period of one year thereafter. § 36-14-5(e)(4).

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. R.I. Gen. Laws § 36-14-2(12) & (13); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined

[1] See https://www.hari.org/about-hari-2 (last accessed October 28, 2026).

(36-14-5016).[2] The above prohibitions do not extend to the performance of ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.[3] A person is defined as "an individual or a business entity." § 36-14-2(7). Additionally, §§ 36-14-5(c) & (d) prohibit the use and/or disclosure of confidential information acquired by a public official during the course of, or by reason of, his official employment, particularly for the purpose of obtaining financial gain.

The Ethics Commission has issued numerous advisory opinions interpreting § 36-14-5(e)(4)'s requirements with respect to former state employees or officials interacting with their former agencies during the one-year period following the severance of their state

[2] See, e.g., A.O. 2024-13 (opining that a DCYF social caseworker was not prohibited from accepting private employment as a clinician with The Inner You Counseling Center offering therapeutic services to adolescents, provided that she was prohibited, among other things, from appearing before DCYF as an Inner You clinician, which included, but was not limited to, reporting to DCYF on an Inner You client who subsequently became open to DCYF services; acting as an expert witness on behalf of an Inner You client or Inner You; or submitting to DCYF documentation from Inner You that contained the petitioner's name, or which was identifiable as the petitioner's work product); A.O. 2008-62 (opining that a former social caseworker in the Long Term Care Unit within the DHS, was not prohibited from working as an independent contractor assisting a private attorney with the preparation of medical assistance applications on behalf of the attorney's clients, given that the attorney was the one filing the applications with DHS, and provided that the petitioner did not have any direct contact with or appear to represent the clients, the attorney, or anyone else, before DHS or any of its members or staff, for a period of one year after the date of her official severance from her position).

[3] See, e.g., A.O. 2013-28 (opining that a former principal policy associate for the Rhode Island Office of the Health Insurance Commissioner (OHIC) could accept private employment, provided that he did not represent his private employer before OHIC during that year and any contacts that he had with OHIC were purely ministerial in nature, such as hand-delivering documents, reviewing public records, and requesting public information); A.O. 2010-23 (opining that the former chief administrative officer of the Rhode Island Board of Medical Licensure and Discipline for the RIDOH, who was then employed as the chief medical officer for Landmark Medical Center, was not prohibited from making informational inquiries to the RIDOH and from reporting information to it, including information mandated by state statute or regulation to be reported, such as information about illness or communicable diseases, or the treatment of impaired physicians, since he would not be "representing" himself or another before his former agency).

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employment. In Advisory Opinion 2017-19, for example, the Ethics Commission opined that the former president of the Rhode Island Senate was prohibited by the Code of Ethics from representing her then new private employer, HARI, before the Rhode Island General Assembly for a period of one year after leaving public office. However, the Ethics Commission also opined that the Code of Ethics did not prohibit that petitioner from representing her new private employer before any municipality or the executive or judicial branches of Rhode Island government. See also A.O. 2006-56 (opining that the chief of staff/legislative director for the Office of the Attorney General, was prohibited from lobbying the Office of Attorney General for a period of one year after leaving that office, but could immediately lobby the General Assembly and federal, state and municipal governmental agencies); A.O. 2005-6 (opining that a former legislative director for the Governor was prohibited from lobbying Office of the Governor withing one year of leaving his position with that office but could immediately lobby the General Assembly as well as state and municipal agencies); A.O. 2003-56 (opining that a former director of Legislative and Governmental Affairs in the Office of the Lieutenant Governor was prohibited from lobbying the Office of the Lieutenant Governor for one year after leaving his employment with that office, but could immediately lobby the General Assembly and other state agencies in his new private employment); A.O. 2003-32 (opining that a former director of Administrative Records in the Office of the Secretary of State was prohibited from lobbying the Office of the Secretary of State within one year after leaving his employment there but could immediately lobby the General Assembly and other state agencies in his private employment).

Here, based on the Petitioner's representations, the applicable provisions of the Code of Ethics, and a review of prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is prohibited by the Code of Ethics from representing himself or others, including his new private employer, HARI, and its members, or from acting as an expert witness, before the entire EOHHS and all of its departments, divisions, offices, sections, and programs, and before state or municipal boards and/or commissions on which he personally served or had appointed a designee to serve in his place, including but not limited to, the Health Service Council, until the expiration of one year after leaving his public positions. The Petitioner is not, however, prohibited from immediately being able to represent himself or others, including his new private employer, HARI, and its members before the Rhode Island General Assembly, Office of the Governor, Department of Administration, or other executive branch agencies other than those within the EOHHS.

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

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hand, contacts involving purely personal or ministerial matters that do not involve discretion or decision-making on the part of the aforementioned public agencies are not prohibited.

Additionally, consistent with §§ 36-14-5(c) and (d) of the Code of Ethics, the Petitioner may not use and/or disclose confidential information acquired by the Petitioner during the course of, or by reason of, his official employment, particularly for the purpose of obtaining financial gain. Lastly, until the expiration of one year following the date of his severance from state service, the Petitioner is advised, when in doubt, to seek further guidance from the Ethics Commission regarding the Code of Ethics' potential application to his interactions with state agencies.

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(7)
§ 36-14-2(12)
§ 36-14-2(13)
§ 36-14-5(e)
§ 36-14-5(c)
§ 36-14-5(d)
520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)

Related Advisory Opinions:
A.O. 2024-13
A.O. 2017-19
A.O. 2013-28
A.O. 2010-23
A.O. 2008-62

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A.O. 2006-56
A.O. 2005-6
A.O. 2003-56
A.O. 2003-32

Keywords:
Post-Employment
Representing Oneself or Others
Revolving Door

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RHODE ISLAND ETHICS COMMISSION

Draft Advisory Opinion

Hearing Date: November 10, 2026

Re: Patricia A. Alley

QUESTION PRESENTED:

The Petitioner, a member of the South Kingstown Town Council, a municipal elected position, who in her private capacity is the president of Sow a Seed South County, a private non-profit organization, requests an advisory opinion regarding whether the safeguards proposed in her request for the instant advisory opinion are sufficient to insulate her from conflicts of interest under the Code of Ethics while simultaneously fulfilling her duties in either position and, if not, what additional safeguards are necessary.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the South Kingstown Town Council, a municipal elected position, who in her private capacity is the president of Sow a Seed South County, a private non-profit organization, is required by the Code of Ethics, in addition to her proposed safeguards, to also follow any other limitations that the Code of Ethics imposes upon her as described herein while simultaneously fulfilling her duties in either position.

The Petitioner is a member of the South Kingstown Town Council, having served in that position continuously since her election in 2022. In her private capacity, she is the president of Sow a Seed South County, a private non-profit entity that operates a community garden at the former Wakefield Elementary School, which is owned by the Town of South Kingstown. The Petitioner represents that Sow a Seed was incorporated in 2025 "to help lessen food insecurity through community gardening efforts. To foster community, self-reliance and resilience during difficult times."[1] The Petitioner further represents that Sow a Seed donates its entire harvest to The Jonnycake Center, a non-profit entity that serves people who experience food insecurity. The Petitioner states that the town and Sow a Seed intend to formalize the existing garden arrangements by entering into a formal lease agreement that will require review and approval by the town council. She explains that when the demolition of the Wakefield Elementary School eventually commences, the garden may need to be relocated, which will require approval of the town. The Petitioner

[1] https://business.sos.ri.gov/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=001791673&SEARCH_TYPE=1 (last visited October 29, 2026).

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notes that she derives no financial benefit from her service on Sow a Seed. She represents that as Sow a Seed's president, she relies on the support of the entity's directors and members. As an example, the Petitioner notes that one of the directors maintains financial control of the organization's small budget, and another individual manages the entity's social media postings. The Petitioner states that Sow a Seed has had minimal contact with the town regarding the day-to-day operations of the garden.

Cognizant of the provisions of the Code of Ethics and to avoid any conflicts of interest that may arise from the performance of her private and public duties, the Petitioner represents that she will recuse from the town council's consideration of the lease with Sow a Seed and, should the town council approve the lease, she will continue to recuse herself from any future amendments or extensions, and from any other matters that involve Sow a Seed. The Petitioner further represents that a Sow a Seed director or a member can be designated to handle all contacts with town officials, including the town manager over whom the town council has appointing authority. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether the safeguards proposed and listed above are sufficient to insulate her from any conflict of interests that may arise under the Code of Ethics while simultaneously performing her duties in either her public or private position and, if not, what additional safeguards are necessary.

The Code of Ethics provides that a public official 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. R.I. Gen. Laws § 36-14-5(a). A public official 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). Further, a public official must recuse from participation in any matter in which her business associate or employer, or another person authorized by her business associate or employer to act on their behalf, appears or presents evidence or arguments before the public official's municipal agency. 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002).

A public official has reason to believe or expect that a conflict of interest exists when it is "reasonably foreseeable," meaning that the probability is greater than "conceivably," but the conflict of interest is not necessarily certain to occur. 520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001). 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 Code of Ethics also prohibits a public official from representing herself or any other person, or acting as an expert witness, before a municipal agency of which she is a member,

by which she is employed, or over which she has appointing authority. § 36-14-5(e)(1)-(3); 520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)(Regulation 1.1.4). These "revolving door" restrictions were enacted to minimize any undue influence a public official might have in a matter before her agency and last while the public official is serving and for a period of one year thereafter. § 36-14-5(e)(4). A person "represents" herself or another person before a municipal agency if she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in her favor or in favor of another person. § 36-14-2(12) & (13); Regulation 1.1.4.[2] The above prohibitions do not extend to the performance of ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.[3]

Additionally, § 36-14-5(d) prohibits a person subject to the Code of Ethics from using 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. Finally, § 36-14-5(c) prohibits the use of and/or disclosure of confidential information acquired by a public official during the course of or by reason of her official duties, particularly for the purpose of obtaining financial gain.

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[2] See, e.g., A.O. 2024-13 (opining that a DCYF social caseworker was not prohibited from accepting private employment as a clinician with The Inner You Counseling Center offering therapeutic services to adolescents, provided that she was prohibited, among other things, from appearing before DCYF as an Inner You clinician, which included, but was not limited to, reporting to DCYF on an Inner You client who subsequently became open to DCYF services; acting as an expert witness on behalf of an Inner You client or Inner You; or submitting to DCYF documentation from Inner You that contained the petitioner's name, or which was identifiable as the petitioner's work product); A.O. 2008-62 (opining that a former social caseworker in the Long Term Care Unit within the DHS, was not prohibited from working as an independent contractor assisting a private attorney with the preparation of medical assistance applications on behalf of the attorney's clients, given that the attorney was the one filing the applications with DHS, and provided that the petitioner did not have any direct contact with or appear to represent the clients, the attorney, or anyone else, before DHS or any of its members or staff, for a period of one year after the date of her official severance from her position).

See, e.g., A.O. 2013-28 (opining that a former principal policy associate for the Rhode Island Office of the Health Insurance Commissioner (OHIC) could accept private employment, provided that he did not represent his private employer before OHIC during that year and any contacts that he had with OHIC were purely ministerial in nature, such as hand-delivering documents, reviewing public records, and requesting public information).

The Ethics Commission has consistently concluded that public officials or employees are "business associates" of entities, including non-profit organizations, for which they serve either as members of the board of directors or in other leadership positions that permit them to affect the financial objectives of the organization. See, e.g., A.O. 2021-6 (opining that a member of the North Smithfield Planning Board was a business associate of the North Smithfield Heritage Association, a private non-profit organization for which he served as a member of the board of directors and as its president and, therefore, was required to recuse from participating in planning board matters when the heritage association appeared or presented evidence or argument). Accordingly, in the instant matter, as a president of Sow a Seed, the Petitioner is a "business associate" of the entity.

Here, because the Petitioner is a business associate of Sow a Seed, she is prohibited from participating in the discussions or decision-making, in her capacity as town council member, in matters in which Sow a Seed is involved or in which the entity will derive a direct monetary gain or suffer a direct monetary loss. The Petitioner is also prohibited from participating in discussions or decision-making, in her capacity as town council member, in matters in which Sow a Seed or a representative of it appears on its behalf to represent the entity before the town council. See, e.g., A.O. 2026-17 (opining that a member of the Middletown Planning Board, who was also a member of the board of trustees of the Aquidneck Island Land, was a business associate of the land trust and was, thus, required to recuse from participating in any planning board matters that involved or impacted the land trust); A.O. 2024-35 (opining that a member-elect of the Warren Town Council, who in his private capacity served as a trustee of the George Hail Free Library in Warren, a private entity, was prohibited, among other things from participating in matters before the town council that involve or will directly financially impact himself, the library, or any of the other members of the library's board of trustees). Thus, the Petitioner's intention to recuse in her public capacity from any town council's discussions and decision-making relative to the lease with Sow a Seed, any potential future lease amendments or extensions of the same, and any other matters that involve Sow a Seed is appropriate and sufficient under these circumstances.

Further, the Petitioner is prohibited from representing Sow a Seed before the town council or any municipal agency or town official over which the Petitioner has appointing authority. See, e.g., A.O. 2023-39 (opining that a member of the Cumberland Town Council, who in his private capacity served as the interim president and registrar for the Cumberland Youth Soccer Association (CYSA), a nonprofit organization, was prohibited, among other things, from representing himself or the CYSA before the town council, or the recreation director over which the town council had appointing authority). 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' 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 aforementioned public agencies are not prohibited. Here, representation would, for example, include, but is not

limited to, the Petitioner signing any leases or potential extensions of such leases on behalf of Sow a Seed. Thus, the Petitioner's proposal that Sow a Seed designate a director or a member of the entity, other than the Petitioner, to conduct all communications with town officials on behalf of Sow a Seed, without the participation of the Petitioner, will be sufficient to insulate the Petitioner from conflict of interest pursuant to § 36-14-5(e); Regulation 1.1.4.

Furthermore, the Petitioner is reminded that consistent with §§ 36-14-5(c) and (d) of the Code of Ethics, the Petitioner may not use her public office or confidential information acquired by her in the course of, or by reason of, her public office, particularly for the purpose of obtaining financial gain for herself, her business associates, or Sow a Seed. Any recusals shall be made pursuant to the provisions of R.I. Gen. Laws § 36-14-6. Finally, the Petitioner is advised that this advisory opinion cannot anticipate every possible situation in which a conflict of interest might arise for the Petitioner while serving as a member of the town council and as the president of Sow a Seed. Thus, the Petitioner is encouraged to seek additional advice from the Ethics Commission if any specific questions regarding potential conflicts of interest 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(c)
§ 36-14-5(d)
§ 36-14-5(e)
§ 36-14-6
§ 36-14-7(a)
520-RICR-00-00-1.1.4 Representing Oneself or Others, Defined (36-14-5016)
520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001)

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520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)

Related Advisory Opinions:
A.O. 2026-17
A.O. 2024-35
A.O. 2024-13
A.O. 2023-39
A.O. 2021-6
A.O. 2013-28
A.O. 2008-62

Keywords:
Business Associate
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Revolving Door
Recusal

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