

## **General Commission Advisory No. 2009-4: Secondary Employment**

### **I. General Purpose**

The purpose of this General Commission Advisory (GCA) is to explain the specific limitations the Code contains regarding secondary employment and, to provide examples of the practical application of particular prohibitions on specific factual scenarios. This GCA is intended to serve as a general guide for persons subject to the Code of Ethics and members of the public, but is not intended to address the innumerable factual possibilities which may arise in this area. Persons who are uncertain whether specific conduct regarding employment may be prohibited or not are strongly encouraged to seek an advisory opinion from the Commission or contact the Commission's offices at (401) 222-3790.

Central to the Rhode Island Code of Ethics is the core principle that a public official or employee may not take any action, or in any way use his or her position, to obtain financial gain for himself or herself. This fundamental concept flows from the general conflict of interest prohibition found in R.I. Gen. Laws § 36-14-5(a), and further defined in R.I. Gen. Laws § 36-14-7, as well as the prohibition on the use of office to obtain financial gain found in R.I. Gen. Laws § 36-14-5(d). Furthermore, persons subject to the Code may not accept other employment that will impair their independence of judgment as to their official duties, nor disclose confidential information acquired in the course of their official duties or employment for pecuniary gain. See R.I. Gen. Laws § 36-14-5(b) and (c).

What this means in practical terms in regard to limitations on employment, for example, is that a person subject to the Code of Ethics may not use his or her official position or public employment to obtain additional employment, jobs, clients, business, or contracts. See R.I. Gen. Laws § 36-14-5(a), (d). Outside of these general prohibitions, a number of other statutory and regulatory provisions within the Code specifically address limitations and prohibitions placed on public officials and employees who seek work outside of their primary public positions.

### **II. Secondary Employment in General**

#### **A. General Prohibitions**

The Ethics Commission has consistently opined that public officials and employees are not inherently prohibited from holding employment that is secondary to their primary public employment or positions. When considering potential conflicts regarding secondary employment, the Commission examines a number of factors, including, but not limited to:

- the nexus between the official's public duties and their private employment
- whether the official or employee completes such work outside of their normal working hours and without the use of public resources

- that the official or employee does not appear before their own agency
- that such work be conducted outside of the areas over which they have decision-making jurisdiction
- that they do not use their position to solicit business or customers.<sup>1</sup>

**EXAMPLES:**

*Jones is the Building Official in Anytown. Jones is also a Master Carpenter. As General Contractors and Anytown citizens file for building permits, Jones hands out his business card to individuals whom he knows are planning on performing sizable remodeling jobs, in the hopes that he can pick up some sub-contracting jobs on the side. Jones also gives his card to anyone coming into his office who asks for a referral for carpentry jobs. Jones is prohibited from using his position this way to solicit clients. Jones also may not inspect his own work, or represent himself before the Office of the Building Official or perform carpentry services during his regular working hours as Building Official.<sup>2</sup>*

*Smith is a police officer in Anytown. Smith has also started a business as a private investigator. Smith is prohibited from working as a private investigator within Anytown, given that Anytown is the area over which he exercises jurisdiction as a police officer. However, Smith would not be prohibited from performing services as a private investigator in other municipalities over which he does not have jurisdiction as a police officer, provided that he does not perform such work during regular working hours or use public resources to do so and that he not use his position as a police officer to solicit private clients.<sup>3</sup>*

**B. Conflict of Interest**

R.I. Gen. Laws § 36-14-5(a) prohibits persons subject to the Code of Ethics from having interests, financial or otherwise, direct or indirect, in conflict with the proper discharge of their duties or employment in the public interest. R.I. Gen. Laws § 36-14-7(a) defines a conflict of interest as when a person has reason to believe or expect that he or she (or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents) will derive a direct monetary gain or suffer a direct monetary loss by reason of his or her official activity.

What this means in regard to secondary employment is that persons subject to the Code may not take action in their official capacity or public employment when it is reasonably foreseeable that such action will result in the official or employee obtaining additional public or private employment, contracts, business or clients.

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<sup>1</sup> See, e.g., A.O. 2009-31; A.O. 2009-17; A.O. 2008-31; A.O. 2008-22; A.O. 2008-12.

<sup>2</sup> See generally A.O. 2008-12.

<sup>3</sup> See A.O. 2006-17.

**EXAMPLE:**

*Brown is the Harbormaster in Oceantown. Oceantown harbor regulations require that all persons utilizing moorings have their moorings inspected annually by an independent inspector. Brown, in her capacity as Harbormaster, has written and submitted an additional regulation which would require that qualified independent inspectors: 1) be year-round residents of Oceantown who have resided there at least five years; 2) possess a Master's degree in Marine Biology; and 3) are certified professional engineers. Brown possesses all of these attributes and is currently the only person in Oceantown who does. Brown also runs a private business conducting mooring inspections and repairs and has spoken publically about how she could provide Oceantown residents with discounted mooring inspections. Brown's actions in drafting and proposing a regulation which, if adopted, are likely to lead to a direct financial benefit for Brown, are prohibited by R.I. Gen. Laws §§ 36-14-5(a) and 7(a).*

**C. Independence of Judgment**

R.I. Gen. Laws § 36-14-5(b) prohibits persons subject to the Code from accepting employment which impairs their independence of judgment regarding their official public duties or employment. What this means practically is that persons subject to the Code may not take on private employment which may influence their decision-making in their public employment or position.

**EXAMPLE:**

*Martinez is the Supervisor of Counseling Services for the State Department of Probation and Parole ("Probation and Parole") within the Department of Corrections. Martinez is also a licensed psychotherapist in private practice. In his capacity as Supervisor, Martinez makes and approves referrals to community service providers for individuals subject to probation and parole who will be required to attend various types of counseling services, such as batterers' intervention, anger management, substance abuse, and traditional psychological counseling. The Metropolis Center is a community counseling services provider which frequently contracts with Probation and Parole to provide counseling services to individuals under the jurisdiction of that department. The Metropolis Center is currently seeking to hire an independent contractor to perform counseling services on an as needed basis for individuals on probation and parole that are required to undergo counseling. Based on his tremendous reputation, the Metropolis Center has contacted Martinez to inquire if he would be interested in providing these types of private counseling services. Martinez is prohibited by R.I. Gen. Laws § 36-14-*

*5(b) from accepting such employment, as it will impair his independence of judgment as to his official duties, given that, as Supervisor of Counseling Services, he makes and approves the counseling referrals to specific community service providers, including the Metropolis Center.*

**D. Use of Office**

R.I. Gen. Laws § 36-14-5(d) prohibits persons subject to the Code from in any way using their public office or employment to obtain financial gain. What this means is that public officials and employees may not take actions in their official capacity which result in a monetary or other financial gain to themselves.

**EXAMPLE:**

*Huang is the Director of Library Services for the State. Huang also owns a private business which provides archival materials preservation services. Huang decides that, in order to save the State money, Huang will personally perform archival restoration and preservation services on valuable books and manuscripts in the state's rare and historical special collections at a discounted rate. Huang is prohibited by R.I. Gen. Laws § 36-14-5(d) from unilaterally deciding, in her official capacity as Director of Library Services, to hire herself to perform these archival preservation services.*

**III. Other Specific Prohibitions**

**A. Representing Your Secondary Employer, Clients, Business Associates or Others before Your Public Agency**

R.I. Gen. Laws § 36-14-5(e) prohibits a public official or employee from representing himself or herself or others or acting as an expert witness before the agency of which he or she is a member or employee while he or she is a member or employee of that entity and for one year from severance from his or her public position. What this means for public officials and employees in regard to secondary employment is that they may not take on secondary employment that would require them to appear before their own agency. R.I. Gen. Laws § 36-14-5(e)(4) extends these prohibitions for one year from the date the official severs from public service or employment.

**EXAMPLE:**

*Jackson is on the Planning Commission in Metropolis. Jackson is also an attorney in private practice. One of Jackson's private clients is coming before the Planning Commission seeking approval of a proposed master plan to develop a large tract of land in Metropolis and wants Jackson to represent her before the Planning Commission. Jackson is prohibited*

*from representing her client before the Planning Commission pursuant to R.I. Gen. Laws §36-14-5(e).*

The prohibitions found at R.I. Gen. Laws § 36-14-5(e) apply to the official's or employee's "entire agency, including all of its offices, sections, programs or divisions."<sup>4</sup>

**EXAMPLES:**

*King is a social caseworker for the Office of Child Welfare, a division within the State Department of Family Services. King is also a licensed family therapist in private practice. One of King's private clients is a foster parent who is seeking to adopt a child who has been in her care for over a year. King's private client would like King to speak about the client's suitability as an adoptive parent before the Office of Foster Care and Adoption, another division within the State Department of Family Services. King is prohibited from representing her private client before the Office of Foster Care and Adoption pursuant to R.I. Gen. Laws §36-14-5(e), as that office is a division of the agency by which she is employed, the State Department of Family Services.*

*Stanislavsky is an environmental scientist for the Office of Sustainable Watersheds within the State Department of Environmental Management. Stanislavsky wants to know if she can perform consulting work and appear as an expert witness for clients before the Office of Water Resources, another division within the State Department of Environmental Management. Stanislavsky is prohibited from representing herself, others, or acting as an expert witness before the Office of Water Resources pursuant to R.I. Gen. Laws §36-14-5(e), as that office is a division of the agency she is employed by, the State Department of Environmental Management.*

R.I. Gen. Laws § 36-14-5(e) provides for the application of a hardship exception in a written advisory opinion from the Ethics Commission. This hardship exception may *only* be granted by the Ethics Commission in a formal advisory opinion; officials must not presume that their circumstances constitute a hardship, as safe-harbor is only provided through a formal advisory opinion. R.I. Gen. Laws § 36-14-5(e)(4) extends these prohibitions for one year from the date the official severs from service.

**EXAMPLE:**

*Deniro is a newly appointed Probate Judge in Smallville. Deniro is also an attorney in private practice who formerly represented many clients before the Probate Court over which he now presides. Subsequent to his Probate Court appointment, Deniro withdrew his representation on all*

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<sup>4</sup> A.O. 2003-51.

*matters before that Court, except for one matter in which he has served as Executor. In that final ongoing matter, the only action that remains to settle the estate is the filing of an "Affidavit of Complete Administration" that does not require Deniro to actually appear before the Court. Deniro requests an advisory opinion and represents that to withdraw his representation at this point would be unduly burdensome on the estate and widow. The Ethics Commission issues an advisory opinion allowing for the completion and submission of the affidavit by Deniro, notwithstanding the fact that he is within the one-year "revolving door" time period proscribed by R.I. Gen. Laws § 36-14-5(e)(4), based on a finding of hardship pursuant to R.I. Gen. Laws § 36-14-5(e)(1).<sup>5</sup>*

#### **B. Contracting with the State or Municipality**

R.I. Gen. Laws § 36-14-5(h) prohibits persons subject to the Code from entering into contracts with any state or municipal agency absent an open and public bid process. Under section 5(h), to meet the "open and public" process requirement, there must be prior public notice and subsequent public disclosure of all proposals considered and the contracts subsequently awarded.

#### **EXAMPLE:**

*Kwame is on the Planning Commission in Anytown. Kwame also operates a towing and automotive repair business in his private capacity. The Mayor of Anytown is currently considering tow companies to serve Anytown in the towing of illegally parked vehicles. The selection process for the appointment of a municipal tower is not advertised, nor is there prior notice or subsequent disclosure of all proposals considered and contracts awarded; rather, selection of a service provider is entirely at the discretion of the Mayor. Pursuant to R.I. Gen. Laws §36-14-5(h), absent an open and public process, Kwame is prohibited from entering into a contract to provide towing services to Anytown.<sup>6</sup>*

Additionally, the Commission has consistently found that public officials who participate in the bid specification or RFP process may not subsequently submit a bid or proposal, as their participation in the process defeats the "open and public" process requirement of section 5(h).

#### **EXAMPLE:**

*Rollins is on the Zoning Board of Review in Anytown. Rollins is also an architect in private practice. Anytown is planning to build a new vocational-technical high school. The School Committee is preparing to*

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<sup>5</sup> See A.O. 2009-6.

<sup>6</sup> See A.O. 2008-23.

*create a request for qualifications ("RFQ") for an architect to design the new state of the art facility. Rollins has been asked to participate on the RFQ subcommittee, given his professional expertise as an architect. If Rollins participates in the creation of the RFQ specifications, he may not thereafter respond to the RFQ. If Rollins does not participate in the RFQ process or any other aspects of the bid process, assuming the procedure is otherwise open and public pursuant to R.I. Gen. Laws § 36-14-5(h), Rollins would not be prohibited from responding to the RFQ.*

### **C. State Elected Officials Seeking/Accepting State Employment**

R.I. Gen. Laws § 36-14-5(n)(1) prohibits state *elected* officials from seeking or accepting other state employment while serving in office and for a period of one year subsequent to the end of their term of office.

#### **EXAMPLE:**

*Shulman is a member of the General Assembly. Shulman is also an attorney in private practice. A part-time staff attorney position has opened up in the State Department of Business Regulation ("DBR") subsequent to Shulman's election to office. Shulman may not seek or accept employment to the part-time staff attorney position at DBR, given that he is a state elected official and, as such, R.I. Gen. Laws § 36-14-5(n)(1) prohibits him from seeking employment with any other state agency.*

R.I. Gen. Laws § 36-14-5(n)(2) creates an exception for the appointment of state elected officials to senior policy-making, discretionary, or confidential positions on the staff of the general assembly or a general officer and for appointment by the Governor to a position as a department director.

#### **EXAMPLE:**

*Emmanuel is a member of the General Assembly. Emmanuel may accept appointment by the Governor to a senior-policy making, discretionary, or confidential position on the Governor's staff, such as Chief of Staff or Chief Legal Counsel, or to a position as a Department Director, such as Director of Health and Human Services or Director of the Department of Transportation, pursuant to the exception outlined in R.I. Gen. Laws § 36-14-5(n)(2).*

In addition to the prohibition on state employment found at R.I. Gen. Laws § 36-14-5(n), Commission Regulation 36-14-5007 prohibits members of the General Assembly from seeking or accepting state employment, other than that held at the time of election to office, for their term of office and for one year after leaving office. This prohibition on employment includes service as an independent contractor or consultant. Commission

Regulation 36-14-5017 also clarifies that “employment” pursuant to § 36-14-5(n) includes service as an independent contractor or consultant, whether as an individual or a principal of an entity performing such service.

**EXAMPLE:**

*Schwartz is a member of the General Assembly. Schwartz has a Master’s degree in communications. Schwartz is interested in applying for a part-time course instructor contract position at the State Community College (“SCC”). Schwartz is prohibited by Commission Regulation 36-14-5007 from seeking or accepting employment as a part-time or per-course instructor at SCC while serving on the General Assembly and for a period of one year after leaving office.<sup>7</sup>*

**D. Commission Regulation 36-14-5006**

Commission Regulation 36-14-5006 prohibits all elected and appointed officials from accepting appointment to any paid position that requires approval by the body of which the official is a member while the official is serving and for a period of one year after separation from service.

**EXAMPLE:**

*DaSilva is a long-time member of the Board of the State Water Resources Council (“WRC”). Recently, the Executive Director of the WRC abruptly quit and moved to a different state. Currently, the Board is accepting applications to fill the position. DaSilva feels that he could better serve the people of the state as Executive Director of the WRC, as he could apply his years of experience as a Board member to working on a full-time basis to help preserve the state’s water resources. In the alternative, he would like to help out and serve as Interim Director until a new Executive Director is hired. Both positions, Interim Director and Executive Director, require approval by the Board of the WRC. Even if DaSilva recuses from all Board activities regarding the appointment to these positions, he may not accept appointment to either position while he is a member of the Board and for one year from his separation from service.<sup>8</sup>*

Commission Regulation 36-14-5006 provides for the application of a hardship exception by the Ethics Commission when the denial of such employment or position would create a substantial hardship for the public entity.

**EXAMPLE:**

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<sup>7</sup> See A.O. 2001-6.

<sup>8</sup> See A.O. 2004-36.

*Rampone is a member of the Anytown Carousel Commission, an entity which oversees the restoration, maintenance, and running of an historic carousel within the town. Recently, the Carousel Commission twice posted an advertisement to fill the job vacancy of Carousel Manager and received no responses whatsoever. If an appropriate Carousel Manager is not hired soon, the Carousel will begin to deteriorate and will not be able to open for the summer season. Rampone is qualified and is interested in applying for the position and thus requests an advisory opinion. The Ethics Commission opines that the circumstances as presented represent a hardship under Commission Regulation 36-14-5006 and issues an advisory opinion allowing Rampone to accept the Carousel Manager position, given that the physical condition of the Carousel is worsening and the Town will lose income if it doesn't open for the season.*<sup>9</sup>

#### **E. Commission Regulation 36-14-5008**

Commission Regulation 36-14-5008 prohibits state and municipal appointed and elected officials and employees, who exercise fiscal or jurisdictional control over an agency, from acting for compensation as an agent or attorney before that agency. Regulation 5008 includes exceptions for representation occurring in the discharge of official duties, or if the official or employee is acting as a representative of a duly certified bargaining unit of public employees, or the representation is in a court of public record, or the particular matter only requires ministerial acts involving neither adversarial hearings nor the exercise of discretion.

#### **EXAMPLE:**

*Taylor is a member of the Metropolis City Council. Taylor is also an attorney in private practice. In the past, Taylor has regularly represented private clients before the Metropolis Zoning Board of Review and the Metropolis Planning Board ("Planning Board"). In Metropolis, Zoning Board members are selected by the Mayor and confirmed by the City Council, whereas the City Council is not involved in the appointment process for Planning Board members. Since his election to the City Council, Taylor has requested an advisory opinion asking whether he may still represent private clients before the Zoning Board of Review and the Planning Board. Regulation 5008 prohibits Taylor from representing clients before the Zoning Board, given the City Council's role in the appointment of members to that entity,<sup>10</sup> but Taylor is not prohibited from*

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<sup>9</sup> See A.O. 2000-32.

<sup>10</sup> See also Commission Regulation 36-14-5016(b)(3), which defines the representation of any other person before a state or municipal agency to include such representation

*representing clients before the Planning Board, as the City Council exercises no fiscal or jurisdictional control over that entity whatsoever.*<sup>11</sup>

#### **F. Commission Regulation 36-14-5014**

Commission Regulation 36-14-5014 prohibits municipal elected officials and school committee members from seeking or accepting employment with the municipality, including services as an independent contractor or consultant, while serving in office and for a period of one year after leaving office. The Regulation does include an exception for employment held at the time of the official's election or appointment to office.

#### **EXAMPLES:**

*Kim is a recently elected member of the Smallville School Committee. Kim also operates an automotive repair business. Kim requests an advisory opinion asking if she can submit bids to repair Smallville municipal vehicles damaged in collisions. Kim is prohibited by Commission Regulation 36-14-5014 from seeking or accepting independent contractor work repairing municipal vehicles.*<sup>12</sup>

*Andrade is a recently elected member of the Metropolis City Council. Andrade also operates a private tow company and has contracted with Metropolis for many years to provide tow services to the municipality. Andrade now requests an advisory opinion as to whether his company may continue to provide tow services to the municipality. Andrade is not prohibited from continuing to provide such services, given that this contract arrangement constitutes "employment" held at the time of Andrade's election to office, and thus qualifies for the exception provided for in Commission Regulation 36-14-5014.*<sup>13</sup> *However, Andrade must recuse when any matter concerning tow services comes before the City Council, pursuant to R.I. Gen. Laws §§ 36-14-5(a) and 6.*

#### **V. Topical Advisory Opinion Abstracts:**

The following citations are to previously issued advisory opinions that have dealt with public officials' and employees' secondary employment and are included to provide general information and guidance as to some of the types of issues previously raised in the advisory opinion context regarding this issue. However, be advised that, pursuant to Commission Regulation 36-14-1024, persons subject to the Code may not rely on advisory opinions issued to others. Additionally, individuals may not request advisory

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"before another agency for which he or she is the appointing authority or a member thereof."

<sup>11</sup> See A.O. 2005-51.

<sup>12</sup> See A.O. 2008-23.

<sup>13</sup> See A.O. 2008-72.

opinions regarding other peoples' conduct; accordingly, persons subject to the Code may only request an advisory relative to the provisions of the Code which may affect that individual, and may not ask for one on behalf of anyone else. Also included are citations to relevant Rhode Island Superior and Supreme Court decisions.

**Acting as Agent or Attorney:**

**A.O. 2009-5** (opining that the Town Moderator for the Town of Little Compton is not prohibited by the Code of Ethics from appearing on behalf of the Sakonnet Preservation Association and the Tiverton Land Trust before various municipal entities and persons in the Towns of Tiverton, Newport, and Little Compton, provided that he recuses from performing his duties as Moderator, in accordance with R.I. Gen. Laws § 36-14-6, if it is reasonably foreseeable that either of those entities will be financially impacted as a result of his official actions)

**A.O. 2005-51** (opining that a potential candidate for the Warwick City Council would be prohibited from appearing before the Warwick Zoning Board in his private practice of law if he is elected)

**Appointment from Own Board:**

**A.O. 2006-1** (opining that the Chairman of the Police Officers Commission on Standards and Training ("POST"), a state appointed position, may accept an offer of employment by the POST Commission to become the Director of the Rhode Island Municipal Police Training Academy, based upon a finding by the Ethics Commission that the facts represented indicate that the denial of such employment would create a substantial hardship for the POST Commission and the Training Academy)

**A.O. 2004-36** (opining that a state employee sitting on the Rhode Island Water Resources Board as the designee of the Director of Administration may not accept, if offered, employment in the position of General Manager of the Water Resources Board)

**A.O. 2000-32** (opining that a member of the Carousel Commission may respond to an advertisement seeking applicants for Manager of the City's Carousel and accept the position if selected for it by the Carousel Commission, under a finding of hardship)

**Building Official:**

**A.O. 2008-12** (opining that the Little Compton Building Official may perform finish carpentry work provided that: 1) he does not inspect his own work; 2) transactions with potential or actual clients may not be done during his regular working hours as Building Official; 3) he may not use public resources or use his position with the City to solicit customers; and 4) he may not participate in official actions that involve a homeowner or other contractor with whom he has an ongoing business association)

**A.O. 99-39** (opining that an East Greenwich Alternate Building Official may provide architectural design services to East Greenwich residents, provided that he recuse from

participating in the review and/or inspection of any projects with which he was involved through his private employment)

**Firefighter:**

**A.O. 2001-27** (opining that a Captain in the Cranston Fire Department may accept private employment with an architect to review plans for submission to another municipality for fire code compliance, provided that he has no involvement with plans subject to his official jurisdiction)

**Legislators:**

**A.O. 2001-6** (opining that the Code of Ethics bars the petitioner, a member of the House of Representatives, from teaching a course as a part-time instructor in the Communications Department at Rhode Island College)

**Independence of Judgment:**

**A.O. 2009-27** (opining that a member of the East Providence Planning Board, who is also a member of the East Providence Historic District Commission and an East Providence Police Officer, is not prohibited from serving in these three municipal capacities simultaneously, but that the existence of any potential conflict of interest which would implicate the recusal provision of R.I. Gen. Laws § 36-14-6 requires a matter-by-matter analysis)

**Investigative Jurisdiction:**

**A.O. 2009-31** (opining that the Chief Plumbing Investigator for the Rhode Island Department of Labor and Training, who is also licensed as a master plumber and pipefitter, is prohibited from working as a plumber and pipefitter in the State of Rhode Island, but is not prohibited from performing such work outside of the State of Rhode Island, provided that: 1) such work is performed on his own time and without the use of public resources; and 2) he does not use his state position to recruit potential clients)

**A.O. 2001-46** (opining that a Bristol Police Officer assigned to the Detective Division may assist a private investigator in reviewing a criminal matter under the jurisdiction of the Massachusetts District Attorney's Office, provided that he has no involvement with matters subject to the Bristol Police Department's official jurisdiction)

**Judicial Appointment:**

**A.O. 2009-16** (opining that the Chief of Staff for the Governor is not prohibited by the Code of Ethics from seeking and accepting appointment to a seat on the Rhode Island Judiciary, notwithstanding his current employment as the Governor's Chief of Staff, given that he has greater than five years of uninterrupted state service and, thus, is exempt from the prohibition against seeking or accepting such employment)

### **Municipal Judges:**

**A.O. 2003-73** (opining that a Tiverton Municipal Court Judge may represent private clients before the Tiverton Town Council, Zoning Board and other municipal bodies other than the Municipal Court, provided that such representation is unrelated to a matter in which he is involved as Municipal Court Judge, or over which the Municipal Court has jurisdiction)

**A.O. 2003-34** (opining that a Newport Municipal Court Judge may represent private clients before the Newport Zoning Board of Review, provided that the case is not related to a matter in which he is involved as Municipal Court Judge or over which the Municipal Court has jurisdiction)

**A.O. 99-19** (opining that a Cranston Probate Court Judge may represent private clients before the Cranston City Council, Planning Commission and Zoning Board of Review, provided that case is not related to matter in which he is involved as Probate Court Judge or over which Probate Court has jurisdiction)

### **Participation in Bid Specification/RFP:**

**A.O. 2009-22** (opining that a member of the Town of New Shoreham Electric Utility Generation Task Group is prohibited by the Code of Ethics from submitting bids in response to RFPs regarding renewable energy technology issued by the Town of New Shoreham, given that he was the primary author of the RFPs)

**A.O. 2008-14** (opining that the Chairman of the Town of Coventry Planning Commission, who in his private employment is part-owner of Crossman Engineering, Inc., may respond to a Request For Qualifications ("RFQ") published by the Town to perform municipal engineering services, provided that he does not participate in the bid specification process and any contract is awarded pursuant to an open and public bidding process in accordance with R.I. Gen. Laws § 36-14-5(h), and he recuses from participating in any matter when his business associates and/or employees appear before his board)

**A.O. 2002-20** (opining that a Lincoln Parks and Recreation Commission member was not prohibited from responding to an RFP published by any state or municipal entity, including the Town of Lincoln, provided that he did not participate in the bid specification process for the RFP in contracts involving the Town of Lincoln)

### **Police Officers:**

**A.O. 2006-17** (opining that an East Providence police patrol officer may apply for a private investigator's license and operate said business in the City of East Providence provided that: 1) he has no involvement with matters subject to the East Providence Police Department's official jurisdiction; 2) he does not disclose any confidential

information he obtained in the course of his employment with the Police Department; 3) he performs such work on his own time and without the use of public resources, including law enforcement databases; 4) he does not use his position as a police officer to obtain clients or private work; and 5) he does not accept any cases or perform any work within the City of East Providence for as long as he is employed by the East Providence Police Department)

**Seeking or Accepting Employment:**

**A.O. 2008-23** (opining that a Johnston School Committee member, who is also the owner and operator of La Fazia Auto Body & Auto Sales Company, Inc., is prohibited from performing auto body repair on town vehicles and is prohibited from accepting appointment to the town towing list)

**Towing Services:**

**A.O. 2008-72** (opining that an East Providence City Council member may continue to serve on the City of East Providence Tow list, notwithstanding his position as a municipal elected official, as it was “employment” which preceded his election to office)