

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-59

Approved: November 18, 2025

Re: Ronald P. Flynn

QUESTION PRESENTED:

The Petitioner, a member of the Coventry Planning Commission, a municipal appointed position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in discussions and decision-making relative to a matter currently pending before the planning commission, given that the applicant in the matter was hired by the Petitioner to construct the Petitioner's personal residence, a project that was completed in 2021.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Coventry Planning Commission, a municipal appointed position, is not prohibited by the Code of Ethics from participating in discussions and decision-making relative to a matter currently pending before the planning commission, notwithstanding that the applicant in the matter was hired by the Petitioner to construct the Petitioner's personal residence, a project that was completed in 2021.

The Petitioner is a member of the Coventry Planning Commission, to which he was appointed by the Coventry Town Council in 2007. He states that he has served continuously since that time and has chaired the planning commission for the last five years. The Petitioner informs that currently pending before the planning commission is a preliminary comprehensive plan application for affordable housing that is scheduled for hearing on November 19, 2025. The Petitioner identifies the applicant as Bob DeBlois, the founder and president of D2 Homes.¹ The Petitioner represents that on June 1, 2021, he contracted with Mr. DeBlois to construct a new personal residence for the Petitioner and his family. The Petitioner further represents that for the duration of his contract with Mr. DeBlois, he recused from all planning commission matters involving Mr. DeBlois and/or from all matters in which Mr. DeBlois was a party or participant. The Petitioner states that his home was completed in 2021 and that his final payment to Mr. DeBlois was received by Mr. DeBlois on November 18, 2021. The Petitioner informs that he has had no professional

¹ All references to Mr. DeBlois in this advisory opinion also include D2 Homes.

relationship with Mr. DeBlois since 2021 and, despite his satisfaction with the work that was performed for him, he does not anticipate any occasion for which he might again require the services of Mr. DeBlois going forward. It is in the context of these facts that the Petitioner seeks advice from the Ethics Commission regarding whether he is prohibited from participating in the matter currently before the planning commission and for which Mr. DeBlois is the applicant.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that it is in substantial conflict with the proper discharge of his duties or employment in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if an official has reason to believe or expect that he, any person within his family, his business associate, or any business by which he is employed or which he represents, will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. R.I. Gen. Laws § 36-14-7(a). 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). Additionally, a public official must recuse himself from participation in a matter when his business associate, or a person authorized by his business associate, appears or presents evidence or arguments before his municipal agency. 520-RICR-00-00-1.2.1(A)(2)&(3) Additional Circumstances Warranting Recusal (36-14-5002). Finally, the Code of Ethics prohibits a public official from using his public office or confidential information received through his public office to obtain financial gain for himself, his family, his business associate, or any business by which he is employed or which she represents. § 36-14-5(d).

In past advisory opinions, the Ethics Commission has required a public official to recuse from consideration of a matter if it impacted an individual or entity with which the official had an ongoing business relationship, or if such an individual or entity appeared before the official’s public body. See A.O. 2016-45 (opining that a member of the Tiverton Planning Board was prohibited from participating in the planning board’s discussions and voting relative to a matter in which her business associate appeared as an expert witness, given that they had worked together professionally in the past on projects, often referred work and clients to each other, and would continue to refer work and clients to each other); A.O. 2015-9 (opining that a member of the Westerly Town Council was prohibited by the Code of Ethics from participating in the town council’s discussions and decision-making relative to litigation involving Westerly Granite Company, LLC, given the petitioner’s insurance agent-client relationship with one of the owners of the company); A.O. 2005-64 (opining that a member of the Burrillville Redevelopment Agency could not participate in discussions or votes on matters coming before the agency regarding a nonprofit developer’s request for approval of a project, given that the petitioner was a partner in an accounting firm that provided accounting services to that developer on a continuing basis).

However, while the Code of Ethics clearly prohibits a public official from participating in matters directly affecting his or her *current* business associate, or in which his or her current business associate appears, the Ethics Commission has permitted a public official to participate in matters involving or impacting a *former* business associate, assuming no other conflicts were present. In determining whether a relationship between two parties constitutes an ongoing business association, the Ethics Commission examines, among other things, whether the parties are conducting ongoing business transactions, have outstanding accounts, or there exists an anticipated business relationship between the parties in the foreseeable future. For example, in Advisory Opinion 2019-60, the Ethics Commission opined that the building official for the Town of New Shoreham, who in his private capacity owned and operated a house watch service, was not required to recuse from matters that involved or financially impacted his former business associates, provided that any agreements for services between the petitioner and former clients had been severed prior to the petitioner performing any action in his public capacity in matters involving such former clients. The Ethics Commission further opined that all home watch services for former clients were required to have ceased prior to the petitioner performing any action in his public capacity in matters involving those former clients, with no outstanding fees due or refunds owed between the parties. Finally, there could be no understanding or expectation that the business association between the petitioner and any former client would resume once the petitioner had completed his work as building official for that individual. See also A.O. 2007-5 (opining that a Smithfield Town Council member's prior attorney-client relationship with an individual who sought legal advice related to his property that abutted the Slacks Reservoir dam did not prohibit that petitioner from participating in the town council's consideration of a matter related to the release of funds to repair the Slacks Reservoir dam, given that the attorney-client relationship, during which the client had not been charged, had ended more than a year prior with no plans for future representation); A.O. 2006-7 (opining that a member of the North Smithfield Zoning Board of Review was not prohibited from participating and voting on zoning board of review matters related to the proposed Dowling Village development project, notwithstanding that one of the petitioner's former business associates opposed the project).

In the present matter, the Petitioner represents that the business associate relationship between him and Mr. DeBlois ended in 2021. The Petitioner further represents that Mr. DeBlois was paid in full for the services he provided to the Petitioner. The Petitioner states that he does not anticipate any occasion for which he might require Mr. DeBlois' services in the future. Accordingly, it is the opinion of the Ethics Commission that the Petitioner is not prohibited from participating in discussions and decision-making relative to the matter currently pending before the planning commission and in which Mr. DeBlois is the applicant.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. An advisory opinion rendered by the Commission, until amended or revoked by a majority vote of the Commission, is

binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-2(3)

§ 36-14-2(7)

§ 36-13-5(a)

§ 36-14-5(d)

§ 36-14-7(a)

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

Related Advisory Opinions:

A.O. 2019-60

A.O. 2016-45

A.O. 2015-9

A.O. 2007-5

A.O. 2006-7

A.O. 2005-64

Keywords:

Business Associate