

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2026-16

Approved: May 5, 2026

**Re: Charles R. Roberts**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Middletown Town Council, a municipal elected position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in town council discussions and decision-making, as described herein, regarding the potential regionalization of the Middletown School District with the Newport School District, given that his brother-in-law is the chairperson of the Newport School Committee.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Middletown Town Council, a municipal elected position, is not prohibited by the Code of Ethics from participating in town council discussions and decision-making, as described herein, regarding the potential regionalization of the Middletown School District with the Newport School District, notwithstanding that his brother-in-law is the chairperson of the Newport School Committee, because the potential financial impact of regionalization upon the Petitioner's brother-in-law is both hypothetical and indirect.

The Petitioner is a member of the Middletown Town Council, having been elected to that position in November 2024. The Petitioner represents that his brother-in-law is the chairperson of the Newport School Committee. The Petitioner further represents that the Town of Middletown and the City of Newport have been in active discussions regarding the possibility of regionalizing their school districts. The Petitioner explains that his participation in the school district regionalization discussions and decision-making was recently questioned, given his brother-in-law's position on the Newport School Committee. He clarifies that it has been suggested that his brother-in-law would be impacted should the two school districts regionalize and form one regional school committee thereafter. The Petitioner states that discussions concerning the potential regionalization of the school districts are solely between the Middletown Town Council and the Newport City Council, without the participation of the school committees in those municipalities.

The Petitioner further states that the Middletown Town Council does meet separately with the Middletown School Committee to discuss the potential regionalization of the two school districts. However, the Petitioner does not expect that the Newport School Committee, or his brother-in-law, will be in joint discussions on the matter with the Middletown Town Council. The Petitioner assumes that it is possible that the respective councils may organize a joint public hearing at which members of the public, and possibly the respective school committees or members thereof, may be present to share their viewpoints during the public comment portion of the hearing. During discussions with the staff of the Ethics Commission, the Middletown town solicitor explained that the Middletown Town Council and the Newport City Council created an Academic Integration Advisory Committee (AIAC) to explore the possible education benefits resulting from the proposed regionalization of the school districts. The solicitor further explained that the AIAC would also explore the economic impact on the communities and make recommendations regarding the general structure and organization of a regional school district. The town solicitor informed that the members of the AIAC consist of persons appointed by the Middletown Town Council and the Newport City Council from among public officials or employees, and/or members of the public from their respective communities. The town solicitor represented that the Petitioner's brother-in-law does not serve on the AIAC.

The town solicitor explained that in order to create a regional school district, the two communities would undergo separate processes of approval. He further explained that the Middletown Town Council would first vote to send proposed legislation for the formation of a regional school district to the Rhode Island General Assembly for approval. If the legislation is approved by the General Assembly, the Middletown Town Council will then vote to present the question of regionalization for approval by the town's registered voters. The town solicitor explained that this same process will be required in Newport.<sup>1</sup> The Petitioner states that if a regional school district is created, the respective school committees will eventually cease to exist, and a joint regional school committee will be created with its members elected by the voters of the two municipalities. Given this set of facts, the Petitioner seeks guidance regarding whether he may continue to participate in the Middletown Town Council's discussions and decision-making relative to the potential regionalization of the two districts.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of his duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if a public official 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

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<sup>1</sup> The town solicitor noted that regionalization of the school districts was attempted approximately six years ago; however, regionalization did not occur because it was approved by the voters in Middletown but failed to receive approval by the Newport voters.

his official activity. R.I. Gen. Laws § 36-14-7(a). A public official has reason to believe or expect that a conflict of interest exists when it is “reasonably foreseeable,” meaning that the probability of the conflict of interest is greater than “conceivably,” but the conflict of interest need not be certain to occur. 520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001). Any person within a public official’s family includes the official’s brother-in-law. See R.I. Gen. Laws § 36-14-2(1); 520-RICR-00-00-1.3.1(A)(2) Prohibited Activities – Nepotism (36-14-5004) (Regulation 1.3.1). Further, Regulation 1.3.1(B)(1) prohibits a public official from participating in any matter as part of his public duties if he “has reason to believe or expect that any person within his [] family, or any household member, is a party to or a participant in such matter, or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.” Additionally, under 520-RICR-00-00-1.2.1 Additional Circumstances Warranting Recusal (36-14-5002) (Regulation 1.2.1), a public official must recuse from participation in any matter if any person within his family appears or presents evidence or arguments before the public official’s state or municipal agency, unless one of the following two exceptions contained in Regulation 1.2.1(B) applies:

1. The person’s business associate, employer, household member or any person within his or her family is before the person’s state or municipal agency, solely in an official capacity as a duly authorized member or employee of another state or municipal agency, to participate in non-adversarial information sharing or coordination of activities between the two agencies, provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.
2. The person’s business associate, employer, household member or any person within his or her family is before the person’s state or municipal agency during a period when public comment is allowed, to offer comment on a matter of general public interest, provided that all other members of the public have an equal opportunity to comment, and further provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

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, any person within his family, his business associate, or any business by which he is employed or which he represents. § 36-14-5(d).

Under a somewhat similar fact pattern in Advisory Opinion 2023-18, the Ethics Commission opined that a state representative was not prohibited by the Code of Ethics from participating in the Rhode Island House of Representatives' consideration of whether to enact legislation that would enable the Bonnet Shores Fire District (BSFD) to hold an election whereby eligible voters would decide whether to approve or reject amendments to the BSFD charter proposed by a previous charter committee. There, the legislator was an eligible voter in the BSFD as both the owner of a vacation home in the BSFD and a bathhouse condominium unit at the beach club. The Ethics Commission opined that the official legislative activity contemplated by that petitioner would not impact her voting rights but even if there were, ultimately, a financial impact attached to the petitioner's right to vote, such a financial impact would only be indirectly related to her legislative activity, given the intervening activity of the eligible BSFD voters who would decide whether to approve or reject any proposed charter amendments.

Similarly, in Advisory Opinion 2025-28, the Ethics Commission opined that a member of the BSFD Council could participate in council discussions and decision-making relating to proposed amendments to the charter and its definition of who is eligible to vote, notwithstanding that he, his spouse, and his sister were eligible voters as owners of condominium units at the Bonnet Shores Beach Club. In that advisory opinion, the charter amendment process was such that a charter committee was required to forward its recommendations to the fire district council for review. If the council voted to endorse one or more proposed charter amendments, it would then vote to adopt a resolution asking the General Assembly to enact enabling legislation authorizing the BSFD to hold an election to allow the district's voters to decide whether to adopt or reject the proposed charter amendments. The Ethics Commission concluded that, even if it were reasonably foreseeable that the petitioner's official activity relative to the charter changes could impact his or his family members' voting rights in the BSFD, there was no financial impact attached to their right to vote, standing alone. Additionally, even if there was a financial impact attached to the petitioner's and his family members' right to vote, such a financial impact would be *indirect*, as opposed to direct, given the intervening activities required by both the General Assembly and the eligible BSFD voters who would decide whether to approve or reject the proposed amendments.

Here, similar to the facts in the above-cited advisory opinions, the potential financial impact of regionalization upon the Petitioner's brother-in-law is both hypothetical and indirect. Further, the Petitioner states that to date, any discussions relating to the regionalization of the two school districts have been between the Middletown Town Council and the Newport City Council, or between the Middletown Town Council and the Middletown School Committee, without the participation of the Petitioner's brother-in-law, given that the brother-in-law is not a member of either of those entities. Nor does the Petitioner expect his

brother-in-law to appear or participate in meetings before or with the Middletown Town Council. Finally, the brother-in-law is also not a member of the AIAC. Even if, hypothetically, the Petitioner's brother-in-law was to participate in any meeting before or with the Middletown Town Council, it is likely that the exceptions contained in Regulation 1.2.1(B) would apply. However, given the hypothetical nature of the brother-in-law's possible future appearance before the Petitioner, the Ethics Commission is unable to provide specific guidance at this time. The Petitioner is advised to seek further guidance as appropriate, if or when, his brother-in-law is to appear before the Petitioner's municipal agency.

In conclusion, based on the representation above, and the review of the relevant provisions of the Code of Ethics and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from continuing to participate in Middletown Town Council discussions and decision-making relative to the potential regionalization of the Middletown School District with the Newport School District, notwithstanding that his brother-in-law is the chairperson of the Newport School Committee, given that any potential financial impact of regionalization upon the Petitioner's brother-in-law is both hypothetical and indirect.

**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(1)

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-7(a)

520-RICR-00-00-1.1.5 Reasonable Foreseeability (36-14-7001).

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

520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004)

Related Advisory Opinions:

A.O. 2023-18

A.O. 2025-28

Keywords:

Family Member

Nepotism