

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion 2026-33

Approved: September 29, 2026

Re: Carter Wilkie

QUESTION PRESENTED:

The Petitioner, a member of the Little Compton Planning Board, a municipal appointed position, who also serves as the planning board's designee on the Little Compton Agricultural Conservancy Trust, requests an advisory opinion regarding whether the Code of Ethics prohibits him from participating in planning board discussions and decision-making regarding matters involving properties that abut other properties which are either owned by the trust or are properties on which the trust owns an easement.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Little Compton Planning Board, a municipal appointed position, who also serves as the planning board's designee on the Little Compton Agricultural Conservancy Trust, is not prohibited by the Code of Ethics from participating in planning board discussions and decision-making regarding matters involving properties that abut other properties which are either owned by the trust or are properties on which the trust owns an easement, provided that neither the Petitioner nor his family member, his business associate, or his employer would otherwise be directly financially impacted by the matters under consideration.

The Petitioner is a member of the Little Compton Planning Board, having served in that position since his appointment by the Little Compton Town Council in February 2025. The Petitioner represents that during the September 1, 2026, planning board meeting, he was voted by his fellow planning board members to serve as the planning board's chairperson and as the planning board's representative designee to the Little Compton Agricultural Conservancy Trust. The Petitioner states that the trust is a municipal entity that consists of seven members, five of whom are appointed by the town council, and the other two are, respectively, the chairpersons (or member designees) of the town's conservation commission and planning board.¹ The Petitioner represents that at its next meeting, the planning board is scheduled to review an affordable housing project located on a property

¹ <https://www.lcact.net/about/> (last visited September 9, 2026).

that directly abuts property owned by the trust. Thus, the Petitioner seeks guidance from the Ethics Commission regarding whether the Code of Ethics prohibits him from participating in the planning board's discussions and decision-making relative to the aforementioned project and whether he is generally prohibited by the Code of Ethics from participating in the planning board's discussions and/or decision-making on matters, similar to the one described above, involving properties that abut properties which are either owned by the trust or are properties on which the trust owns an easement.

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 his official activity. R.I. Gen. Laws § 36-14-7(a). The Code of Ethics further 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). Pursuant to 520-RICR-00-00-1.2.1(A)(2) Additional Circumstances Warranting Recusal (36-14-5002), a public official must also recuse himself from participation in his official capacity when his business associate appears or presents evidence or arguments before his municipal agency. A business is defined as "a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit or not for profit is conducted." R.I. Gen. Laws § 36-14-2(2). A business associate is defined as "a person joined together with another person to achieve a common financial objective." § 36-14-2(3). A person is defined as "an individual or a business entity." § 36-14-2(7).

The Ethics Commission has consistently concluded that the Code of Ethics does not consider a public body to be a "business" or the relationship between a public official and a public body to be that of "business associates." Therefore, the Ethics Commission has, in the past, allowed public officials to participate in matters that would directly financially impact another public entity upon which he serves. In Advisory Opinion 2021-37, for example, the Ethics Commission opined that a member of the Smithfield Town Council, who was also a former member of the Smithfield Land Trust, was not prohibited from participating in town council matters related to a piece of property located in town and owned by the land trust, notwithstanding that she had previously participated and voted on those matters as a member of the land trust. The Ethics Commission determined that both the town council and the land trust are public entities. The Ethics Commission also acknowledged the petitioner's representation that neither she nor her family members, her business associates, or her employer stood to be directly financially impacted by any of the town council's decisions relative to the subject property. See also A.O. 2024-27 (opining that a member of the Middletown Planning Board, who was also a member of the

Middletown Public Schools Building Committee, was not prohibited from participating in planning board discussions and decision-making on matters in which he had previously participated and voted as a member of the building committee, given that both the planning board and the building committee were public entities, and, therefore, that the petitioner was not a business associate of either entity, and provided that neither the petitioner nor his family members, his business associates, or his employer stood to be directly financially impacted by any of the planning board's decisions relative to the proposals made by the building committee); A.O. 2011-29 (opining that a member of the Portsmouth Planning Board, who was also a civil engineer for the Rhode Island Department of Transportation (RIDOT), could participate and vote on a development proposal pending before the planning board, notwithstanding that in her capacity as a RIDOT civil engineer she had been reviewing the same property to ensure that the state's property interests were protected).

Here, both the planning board and the trust are public entities and, therefore, the Petitioner is not a business associate of either. Additionally, the Petitioner represents that neither he nor any of his family members, business associates, or his employer stand to be directly financially impacted by any planning board decisions relative to the affordable housing project to which the trust is an abutter. Accordingly, based on the Petitioner's representations, the applicable 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 participating in the planning board's review and decision-making relative to the affordable housing project described above.

Likewise, the Petitioner would generally not be prohibited by the Code of Ethics from participating in any planning board matter involving or impacting property either owned by the trust or a property on which the trust owns an easement, provided that, like the facts herein, neither he nor any of his family members, his business associates, or his employer stand to be directly financially impacted by any planning board decisions on those matters. However, this is general guidance only and the Ethics Commission cannot anticipate and provide guidance on hypothetical situations; thus, the Petitioner is advised to, when in doubt, seek further guidance from the Ethics Commission.

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(2)

§ 36-14-2(3)

§ 36-14-2(7)

§ 36-14-5(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. 2024-27

A.O. 2021-37

A.O. 2011-29

Keywords:

Abutter

Business Associate