

110-RICR-30-00-1

## **TITLE 110 – ATTORNEY GENERAL**

### **CHAPTER 30 – CIVIL DIVISION**

#### **SUBCHAPTER 00 – N/A**

##### **PART 1 – AntiTrust**

### **1.1 Authority**

By the virtue of the authority vested in the Attorney General by R.I. Gen. Laws § 6-36-22, the Attorney General hereby issues the following rules and regulations for enforcement of the Rhode Island Antitrust Act, R.I. Gen. Laws § 6-36-1, *et seq.*

### **1.2 Definitions**

- A. The term “investigative demand” means an investigation demanded pursuant to R.I. Gen. Laws § 6-36-9(b).
- B. The term “person” means any natural person or the estate thereof, or trust or association of persons, whether formal or otherwise, or any corporation, partnership, company, or other legal or commercial entity.

### **1.3 Purpose and Scope**

- A. These rules and regulations are drafted to supplement R.I. Gen. Laws § 6-36-1, *et seq.*
- B. These rules apply to any contract, combination, or conspiracy, wherever created, formed, or entered into; any establishment, maintenance, or use of monopoly power; and any attempt or conspiracy to establish, maintain, or use monopoly power; wherever any of the foregoing has an impact on trade or commerce of this state.

### **1.4 Investigations**

- A. Whenever it appears to the Attorney General, upon reasonable cause, that any person has engaged in or engages in or is about to engage in any act or practice prohibited by the Rhode Island Antitrust Act, or that any person has assisted or participated in any plan, scheme, agreement or combination of the nature prohibited by the Rhode Island Antitrust Act, or whenever the Attorney General

believes it to be in the public interest an investigation may be initiated. The Attorney General may also initiate an investigation based upon information received or upon receipt of a complaint.

- B. The Attorney General may require that a complainant place in writing, preferably under oath, all facts and circumstances supporting the allegations hereinafter known as the "Statement of Complaint".
- C. The Statement of Complaint shall be forwarded to the Antitrust Unit, Department of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903.
- D. In his/her discretion, the Attorney General may take such measures as will not violate due process of law to preserve the confidentiality of the complainant's identity.
- E. Upon receipt of the Statement of Complaint, the Attorney General may forward the complaint to the alleged antitrust violator hereinafter referred to as the "Respondent".
- F. If the complaint is forwarded to the respondent, the respondent shall be given a reasonable time to submit a complete written response to the complaint.
- G. The power to issue investigative demands shall not abate or terminate by reason of the bringing of any proceeding under R.I. Gen. Laws § 6-36-9. The Attorney General may issue successive investigative demands to the same person in order to obtain additional information pertinent to an ongoing investigation.

## **1.5 Investigative Demand**

- A. Whenever the Attorney General has reason to believe that any person may have knowledge or be in possession, custody or control of any documentary material, pertinent to an investigation of a possible violation of the Rhode Island Antitrust Act, the Attorney General may issue in writing and cause to be served upon the person an investigative demand by which the Attorney General may:
  - 1. Compel the attendance of the person and require him or her to submit to examination and give testimony under oath; and/or
  - 2. Require the production of documentary material pertinent to the investigation for inspection or copying; and/or
  - 3. Require answers to written interrogatories to be furnished under oath.
- B. Each investigative demand shall:

1. State the section or sections of the Rhode Island Antitrust Act, the alleged violation of which is under investigation and the general subject matter of the investigation;
  2. Prescribe a reasonable return date no less than forty (40) days after service of the investigative demand, provided that an earlier date may be prescribed under compelling circumstances, but in no event less than twenty (20) days;
  3. Specify the time and place at which the person is to appear and give testimony, produce documentary material, and furnish answers to interrogatories, or do any or a combination of the aforesaid;
  4. Describe by class any documentary material required to be produced, so as to clearly indicate what is demanded; and
  5. Contain any interrogatories to which written answers under oath are required.
- C. Should the Attorney General determine the need to issue an investigative demand, the Investigative Demand shall be served on the Respondent pursuant to the Rules of Civil Procedure.
- D. Any person compelled to appear under a demand for oral testimony may be accompanied, represented and advised by counsel.
- E. These regulations incorporate by reference the procedures for investigations as set forth in R.I. Gen. Laws § 6-36-9.

## **1.6 Rights**

Nothing herein shall prohibit the Attorney General from filing suit or taking any other legal and necessary action to prohibit and enforce violations of the Rhode Island Antitrust Act.

## **1.7 Witness Expenses**

All persons served with an investigative demand, other than those persons whose conduct or practices are being investigated, or any officer, director, or person in the employment of the person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this state. No person shall be excused from attending the inquiry pursuant to the mandate of an investigative demand or from giving testimony or from producing documentary material or from being required to answer questions on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at the

time testimony is about to be taken and unless payment thereof is not thereupon made.

## **1.8 Amendments**

These rules and regulations may be properly amended by the Attorney General at any time.

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**PART 1 - ANTITRUST**

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