



STATE OF RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS



180 Westminster Street, Providence, RI 02903 Tel. 401-222-2661 Fax: 401-222-2616 Voice Relay: 711

Michael D. Évora, Esquire
Executive Director

December 14, 2018

Office of the Secretary of State
82 Smith Street
Room 38
Providence, RI 02903

RE: 515-RICR-10-00-2

To Whom It May Concern:

There were two pages (two comments) of submitted testimony to the proposed Rule noted above. A copy of the testimony is attached hereto. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Francis A. Gaschen
Staff Attorney



STATE OF RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS



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Michael D. Évora, Esquire
Executive Director

November 30, 2018

Francis Gaschen, Esq.
Legal Counsel
R.I. Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
HAND DELIVERED



Re: COMMENTS ON PROPOSED REGULATIONS

Dear Attorney Gaschen:

I write to comment on the proposed regulations recently posted on the Secretary of States' website.

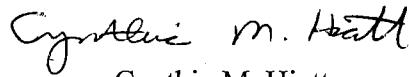
I believe that the following comments are minor and not substantive. I believe, if adopted, my proposed changes would clarify your proposed regulations and are consistent with and a logical outgrowth of the proposed regulations. All of the comments relate to Title 515, Chapter 10, Part 2.

- 1) 2.4N(3)(b) is clearly intended to amend the previous regulation 4.12(C), but there is some language in 4.12(C) which is neither included, nor added and then stricken. It seems to me the clear intent is to strike it. I ask that it be added and then struck through: "~~b) the bankruptcy has been finalized; c) all assets of respondent have been liquidated; and d) neither the respondent nor a successor employer is in operation~~".
- 2) In my opinion, 2.11B needs re-wording for clarification as it implies that a hearing officer can decide a motion to dismiss on his/her own. I suggest the following (the proposed changes are in larger type and double-underlined):

~~9.02~~ Motions to Dismiss. In order to preserve his/her their right to make a motion to dismiss the complaint at the hearing on the complaint, a party must file the motion to dismiss with the Commission and serve a copy of the motion upon all other parties not later than 40 thirty (30) days before the date of the hearing. If a motion to dismiss is filed later less than 40 thirty (30) days prior to a hearing, the hearing officer ~~hearing examiner or Commission member or members hearing the case,~~ may in their discretion waive the timeliness requirement for

good cause shown and the Commission may decide the motion after evidence has been presented or refuse to consider the motion.

Sincerely,
RHODE ISLAND COMMISSION

A handwritten signature in cursive script, reading "Cynthia M. Hiatt".

Cynthia M. Hiatt
Commissioner

c.c. Michael Évora, Executive Director