Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY:	**Department of Business Regulation**
DIVISION:	**Central Management**
RULE IDENTIFIER:	**230-RICR-10-00-2**
REGULATION TITLE:	**Rules of Procedure for Administrative Hearings**
RULEMAKING ACTION:	**Amendment, Full Rulemaking**
PUBLIC COMMENT PERIOD:	**December 4, 2023, to January 3, 2024**

A. Statement of Purpose of the Amendments.

The Department recently amended this regulation effective March 22, 2023. In § 2.4(A), it deleted a paragraph containing, among other things, the requirement to respond to a Department complaint within 15 business days or some other time specified by the Department. While some licensing areas have a specific time for responses to complaints/inquiries in their statutes, not all areas have such a requirement. Therefore, the Department added this timeline into the regulation in § 2.4(B) as a general rule for the agency.

B. Summary of the Regulatory Analysis.

There are no costs to society because of this amendment. The Department previously had this requirement in its regulation and has been routinely following it, despite the deletion of this timeline in the March 2023 amendments to this regulation. Thus, this amendment will not result in a change to the status quo. The Department's ability to investigate and pursue administrative enforcement actions in a timely manner is essential to its consumer protection mission. This amendment helps to standardize response times for licensing areas that do not otherwise provide for a response time by statute. This amendment clarifies that Respondents and others in receipt of an investigatory inquiry get 15 business days (or three weeks) to respond to an inquiry. This is a reasonable amount of time and extensions are readily granted when warranted.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

C. No Comments Were Received.

Therefore, the final proposed regulation is the same as what was initially proposed.