

## CONCISE EXPLANATORY STATEMENT

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**AGENCY:** Rhode Island Ethics Commission

**RULE IDENTIFIER:** 520-RICR-00-00-3

**RULE TITLE:** 3.11 Finding of Probable Cause (1006)

**REASON FOR RULEMAKING:** The Ethics Commission wishes to issue a written Decision and Order in all complaints which are dismissed in order to foster transparency in Commission operations and decisions, providing the public with an explanation of how and why the Commission decided to dismiss any particular complaint.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:** As part of its decision to amend this regulation, the Ethics Commission made findings that consideration was given to alternative approaches, that there is no overlap or duplication with other statutory or regulatory provisions, and that no alternative approach, duplication or overlap was identified based on available information.

**TESTIMONY AND COMMENTS:** The Ethics Commission considered, was persuaded by and, in large part, accepted the testimony and written comments provided by the American Civil Liberties Union of Rhode Island and Common Cause of Rhode Island.

**CHANGE TO THE TEXT OF THE RULE:** The Ethics Commission did not make any changes to the proposed amendment to subsection 3.11(C)(1) requiring the Commission to prepare and issue a written Decision and Order explaining the basis for dismissing a complaint. However, the Commission ultimately decided not to go forward with the proposed amendment to subsection 3.11(A), which would have made the Investigative Report a confidential investigatory record that is not released to the public.

**REGULATORY ANALYSIS:** The Ethics Commission has broad constitutional and statutory authority to adopt regulations consistent with its constitutional mission to adopt a Code of Ethics including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure, and to investigate alleged violations of the code of ethics and to impose penalties. See R.I. Const. art. III, sec. 8; R.I. Gen. Laws § 36-14-9(a)(3). The Commission has determined that the proposed amendments are consistent with this broad authority and its constitutional mission, that the financial costs of such amendments are *de minimis*, and that they would increase fairness and transparency in Commission complaint matters.