

**TITLE 520 – ETHICS COMMISSION**

**CHAPTER 00 – N/A**

**SUBCHAPTER 00 – N/A**

**PART 1 – CODE OF ETHICS**

**1.1 Definitions**

**1.1.1 Definition of State or Municipal Elected Official (36-14-2(1))**

- A. "State or municipal elected official" means any person duly elected to or holding any elective public office pursuant to a general or special election.

**1.1.2 Additional Definitions (36-14-2001)**

- A. "Complainant" means a person or persons who files a sworn statement with the Commission against a person subject to the statute containing allegations of prohibited activities.
- B. "Respondent" means a person against whom a complaint has been filed.
- C. "Business subject to direct state or municipal regulation" means a business which is directly regulated by a state or municipal agency as defined herein other than in a de minimis manner. This includes a business funded with state or municipal funds or federal funds disbursed by a state or municipal agency. If a specific regulatory body exists to control or supervise the business, and such body regulates and monitors the business' activities, it is a business subject to direct regulation. Utilities, insurance companies and regulated financial institutions are included. A business is not directly regulated because it is subject to general laws, tax or health laws for example, applicable to all businesses or, the fact that a business requires a license to operate, or a professional license is obtained. Businesses regulated by professional boards and occupational boards are excluded.
- D. "Cash value interest" means an ownership interest or a financial interest in the nature of an investment such as bonds, notes, debentures, mortgages and similar business investment interests. Deposits in any financial institution, savings and checking accounts, shares in a credit union or a cooperative bank, life insurance policies and annuities are not included.
- E. "Doing business" means engaging in a financial transaction, about which the public official has actual or constructive knowledge, which transaction constitutes a loan, purchase, sale or other type of transfer or exchange of money, goods,

other property, or services for value. Doing business does not include the retail purchase of consumer goods bought primarily for personal, family or household purposes, and financial transactions of a personal nature, such as personal loans and individual insurance transactions.

- F. "Income" means any money or thing of value received or to be received as a claim on future services whether in form of a fee, salary, expenses, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense that constitutes income under the Federal Internal Revenue Code.
- G. "Ownership interest" means an interest in stock, assets, net profits, or losses of a business. The value of an ownership interest is determined at its highest fair market value in the calendar year.
- H. "Persons within the third degree of consanguinity": Persons within the third degree of consanguinity include any of the following relations: Brothers, sisters, parents, sons, daughters, grandparents, great grandparents, grandchildren, great grand- children, uncles, aunts, brothers and sisters-in- law, mothers and fathers- in-law, nieces and nephews, grandsons and granddaughters-in-law, and sons and daughters-in-law.
- I. "State or municipal agency" shall also include any group of persons, or corporations, organization, or other entity, however created, which:
  - 1. exercises governmental functions other than in an advisory nature, and expends public funds in excess of \$10,000 yearly; or
  - 2. those entities whose directors or other governing members are appointed by or through the governing body or highest official of state or municipal government.
- J. "Political party officials": Elected or appointed officers in a state, county, town or city political party organization are not elected or appointed officials subject to this act.

#### **1.1.3 Additional Definitions (36-14-2002)**

- A. "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election.
- B. "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed to an office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by, through or with the advice and consent of a governing body, or any court, in state or municipal government, or highest official of state or municipal government.

C. "Employees of state and local government, of boards, Commissions and agencies" means:

1. any individual receiving a salary from a state or municipal agency, whether elected or not, on a full-time or part-time basis;
2. any individual in the classified, non-classified and unclassified service of the judicial, executive and legislative branches of state government;
3. any individual in the classified, non-classified and unclassified service of any municipality within the state;
4. any individual receiving a salary from any public or quasi-public state or municipal board, commission, corporation, or other public or quasi-public agency however named; and
5. any state or municipal appointed official who receives a salary or stipend for their appointed service.

D. "State agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority within the executive branch of the state government of Rhode Island, either branch of the Rhode Island general assembly, or any agency or committee thereof, the judiciary, or any other department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority that is in any branch of the Rhode Island state government and which exercises governmental functions other than in a purely advisory nature.

E. "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency, and whether comprised of officials and employees from a single or multiple municipalities, and any other agency that is in any branch of municipal government and which exercises governmental functions other than in a purely advisory nature.

#### **1.1.4 Representing Oneself or Others, Defined (36-14-5016)**

A. In addition to any other definition or provision of the Code of Ethics:

1. A person will "represent him or herself before a state or municipal agency" if:
  - a. He or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;

- b. pursuant to his or her authorization and/or direction, another person participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her favor; or
  - c. he or she engages in the conduct described in §§ 1.1.4(A)(1)(a) or (b) of this Part before another agency for which he or she is the appointing authority or a member thereof.
- 2. A person will "represent any other person before a state or municipal agency" if:
  - a. He or she is authorized by that other person to act, and does in fact act, as the other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;
  - b. he or she acts as an expert witness with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents; or
  - c. he or she engages in the conduct described in §§ 1.1.4(A)(2)(a) or (b) of this Part before another agency for which he or she is the appointing authority or a member thereof.

#### **1.1.5 Reasonable Foreseeability (36-14-7001)**

- A. A public official has reason to believe or expect a Conflict of Interest exists when it is "reasonably foreseeable". The probability must be greater than "conceivably", but the Conflict of Interest need not be certain to occur.

#### **1.1.6 Governmental Decision (36-14-7002)**

- A. A public official makes a governmental decision when the public official acting within the authority of his or her office:
  - 1. votes on a matter;
  - 2. appoints a person;
  - 3. obligates a state or municipal agency to a course of action;
  - 4. enters into any contractual agreement on behalf of a state or municipal agency; or

5. determines not to act within the meaning of §§ 1.1.6(A)(1) through (4) of this Part because of a potential Conflict of Interest.

## **1.2 Recusal**

### **1.2.1 Additional Circumstances Warranting Recusal (36-14-5002)**

- A. A person subject to this Code of Ethics must also recuse himself or herself from participation in accordance with R.I. Gen. Laws § 36-14-6 when any of the following circumstances arises:
  1. Any person within his or her family, or a household member, appears or presents evidence or arguments before his or her state or municipal agency.
  2. His or her business associate or employer appears or presents evidence or arguments before his or her state or municipal agency.
  3. His or her business associate, employer, household member or any person within his or her family authorizes another person, on his or her behalf, to appear or to present evidence or arguments before his or her state or municipal agency.
- B. A person subject to this Code of Ethics is not required to recuse himself or herself pursuant to this or any other provision of the Code when:
  1. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency, solely in an official capacity as a duly authorized member or employee of another state or municipal agency, to participate in non-adversarial information sharing or coordination of activities between the two agencies, provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.
  2. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency during a period when public comment is allowed, to offer comment on a matter of general public interest, provided that all other members of the public have an equal opportunity to comment, and further provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

### **1.2.2 Limitations on Recusal (36-14-5003)**

A. The notice and recusal provisions of R.I. Gen. Laws §§ 36-14-5(e)(l) and 36-14-5(f) shall not be interpreted so as to permit a person subject to this Chapter to make use of such provisions on a regular basis. If such actions occur with such frequency as to give the appearance of impropriety, the person subject to this Chapter may be deemed to have violated the provisions of this Chapter, unless such actions are necessitated by circumstances beyond the control of such person and are the only legal course of action available to such person in order to protect a vested property interest.

#### **1.2.3 Public Forum Exceptions (36-14-7003)**

A. No violation of this Chapter or regulations shall result by virtue of any person publicly expressing his or her own viewpoints in a public forum on any matter of general public interest or on any matter which directly affects said individual or his or her spouse or dependent child.

#### **1.2.4 Officers of Public Agencies (36-14-7004)**

A. Notwithstanding any other provision of the Code of Ethics, it shall not be a violation of this Chapter for an appointed or elected member of a state or municipal agency to participate in a vote of the agency during an open meeting to elect him/herself to a position of officer of that agency, provided that if such position carries with it any form of compensation, reimbursement or stipend that is greater than that provided to non-officer members, such additional compensation, reimbursement or stipend must either have been in effect at the time of the vote pursuant to a valid provision of constitution, statute, regulation, charter or ordinance, or be waived.

### **1.3 Nepotism**

#### **1.3.1 Prohibited Activities - Nepotism (36-14-5004)**

A. Definitions. For the purposes of applying the provisions of this Regulation, the following definitions apply:

1. "Household member" means a person having legal residence or living in a public official's or public employee's place of residence.
2. "Any person within his or her family" means, in addition to any other definition, any person who is related to any public official or public employee, whether by blood, marriage or adoption, as any of the following: spouse, father, step-father, father-in-law, mother, step-mother, mother-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandfather, step-grandfather, grandfather-in-law, grandmother, step-grandmother, grandmother-in-law, grandson, step-grandson, grandson-in-law, granddaughter, step-granddaughter,

granddaughter-in-law, uncle, step-uncle, uncle-in-law, aunt, step-aunt, aunt-in-law, niece, step-niece, niece-in-law, nephew, step-nephew, nephew-in-law, first cousin, step-first cousin and first-cousin-in-law.

B. Prohibitions. In addition to any other provisions of the Code of Ethics the following prohibitions relating to nepotism shall apply:

1. Nepotism Generally. No person subject to the Code of Ethics shall participate in any matter as part of his or her public duties if he or she has reason to believe or expect that any person within his or her family, or any household member, is a party to or a participant in such matter, or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.
2. Advocacy/Supervision Regarding Family/Household Members.
  - a. No person subject to the Code of Ethics shall participate in the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family or a household member, in the state or municipal agency in which the official or employee is serving or over which he or she exercises fiscal or jurisdictional control, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.
  - b. No person subject to the Code of Ethics shall delegate to a subordinate any tasks relating to the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family or household members, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.
3. Participation in Budgets.
  - a. General Prohibition. No person subject to the Code of Ethics shall participate in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation or benefits of any person within his or her family or a household member.
  - b. Specific Line Items. Notwithstanding the prohibition set forth in § 1.3.1(B)(3)(a) of this Part, a person subject to the Code of Ethics may, only in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion, participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation or benefits of any person within his or her family or a household member as a member of a significant and definable class of

persons, and not individually or to any greater extent than any other similarly situated member of the class.

- c. Vote on Entire Budget. Notwithstanding the prohibition set forth in § 1.3.1(B)(3)(a) of this Part, a person subject to the Code of Ethics may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his or her family or household member is impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

4. Participation in Collective Bargaining/Employee Contracts.

- a. Negotiations. No person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his or her family or a household member.
- b. Vote on Entire Contract. Notwithstanding the prohibition set forth in § 1.3.1(B)(4)(a) of this Part, a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that the person within his or her family or household member is impacted by the contract or agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

### **1.3.2 Nepotism (36-14-5005)**

A. The prohibitions contained herein which relate to the spouse or dependent child of a person subject to this Code of Ethics, except as to that activity described in R.I. Gen. Laws § 36-14-5(h), shall also pertain to any of the following relatives of such person, whether by blood, marriage or adoption: parents, grandparents, adult children, siblings, grandchildren, uncles, aunts, nieces, nephews and first cousins.

## **1.4 Other Prohibited Activities**

### **1.4.1 Acting as Agent or Attorney for Other than State or Municipality (36-14-5008)**

A. No state appointed or elected official or employee, who exercises fiscal or jurisdictional control over any state agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency,

board, Commission or governmental entity for any person or organization in any particular matter in which the state has an interest or is a party, unless:

1. such representation is in the proper discharge of official duties; or
2. such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees; or
3. such appearance is before a state court of public record; or
4. the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

B. No municipal appointed or elected official or employee, who exercises fiscal or jurisdictional control over any municipal agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the municipality has an interest or is a party, unless:

1. such representation is in the proper discharge of official duties; or
2. such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees; or
3. such appearance is before a state court of public record; or
4. the particular matter before the municipal agency requires only ministerial acts, duties or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

C. For purposes of this Regulation, "fiscal control" shall include, but is not necessarily limited to, authority to approve or allocate funds or benefits for the applicable state or municipal entity.

D. For purposes of this Regulation, "jurisdictional control" shall include, but is not necessarily limited to, appointing authority, appellate review, or other substantive control in connection with the operation of the applicable state or municipal entity.

#### **1.4.2 Gifts (36-14-5009)**

A. No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift of cash, forbearance or forgiveness of indebtedness from an interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

B. No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift(s) or other thing(s) having either a fair market value or actual cost greater than fifty dollars (\$50), but in no case having either an aggregate fair market value or aggregate actual cost greater than one hundred fifty dollars (\$150) in any calendar year including, but not limited to, gifts, loans, rewards, promises of future employment, favors or services, gratuities or special discounts, from a single interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.

1. For purposes of this Regulation a "single interested person" shall include all employees or representatives of an individual, business, organization or entity.
2. The prohibitions in this Section do not apply if the gift or other thing of value is:
  - a. a campaign contribution as defined by the laws of the state;
  - b. services to assist an official or employee in the performance of official duties and responsibilities, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents; or
  - c. a plaque or other similar item given in recognition of individual or professional services in a field of specialty or to a charitable cause.

C. "Interested person," for purposes of this Section, means:

1. a person, business, or other entity, whether for profit or not for profit, or a representative of such a person, business, or other entity, that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties; or
2. a person, business, or other entity, whether for profit or not for profit, that engages lobbyists or is a registered lobbyist or lobbying firm as defined by the laws, regulations, or municipal ordinances of this state.

D. The prohibitions in this Section do not apply if the gift or thing of economic value is given:

1. because of the recipient's membership in a group, a majority of whose members are not persons subject to the Code of Ethics, and an equivalent gift is given or offered to other members of the group;

2. by an interested person who is a person within the family of the recipient, unless the gift is given on behalf of someone who is not a member of said family;
3. by an interested person as defined in § 1.4.2(C)(2) of this Part, that is not also an interested person as defined in § 1.4.2(C)(1) of this Part, to a public official or employee who is not a member or employee of the state or municipal agency that the interested person is lobbying; or
4. in the form of food or beverage for immediate consumption at a reception or fundraiser to which all members of the General Assembly or statewide officers are invited and is hosted not more than once in any year by a not for profit entity that is not an interested person as defined in § 1.4.2(C)(1) of this Part.

E. For purposes of this Regulation, a gift or other thing of value is considered received when it comes into the possession or control of the person subject to the Code of Ethics, or his or her spouse or dependent child, and is a gift or other thing of value subject to the requirements of this Regulation unless it is immediately returned to the interested person or given to a bona fide charitable organization without benefit accruing to the person subject to the Code of Ethics.

#### **1.4.3 Honoraria (36-14-5010)**

A. No person subject to the Code of Ethics shall accept an honorarium, fee or reward or other compensation for any activity which may be considered part of or directly relates to said person's official duties and responsibilities unless:

1. the source of the honorarium, fee, reward or other compensation is an individual or entity for which the official or employee is not vested with decision making authority within his or her official duties and responsibilities; and
2. the official or employee, when engaging in or preparing for the activity, uses his or her own time and does not make improper use of state or municipal materials or resources.

#### **1.4.4 Transactions with Subordinates (36-14-5011)**

A. No person subject to the Code of Ethics shall engage in a financial transaction, including participating in private employment or consulting, and giving or receiving loans or monetary contributions, including charitable contributions, with a subordinate or person or business for which, in the official's or employee's official duties and responsibilities, he or she exercises supervisory responsibilities, unless:

1. the financial transaction is in the normal course of a regular commercial business or occupation;

2. the subordinate or person or business described above offers or initiates the financial transaction; or
3. the financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a state or municipal agency through official action by a governing body or the highest official of state or municipal government.

B. No person subject to the Code of Ethics shall solicit or request, directly or through a surrogate, political contributions, from a subordinate for whom, in the official's or employee's official duties and responsibilities, he or she exercises supervisory responsibilities. This does not prohibit or limit the First Amendment rights of a subordinate, as defined in this Section, to make political contributions.

C. For purposes of this Regulation, "subordinate" means an employee, contractor, consultant, or appointed official of the official's or employee's agency.

## **1.5 Revolving Door/Post-Employment**

### **1.5.1 Employment from Own Board (36-14-5006)**

A. No elected or appointed official may accept any appointment or election that requires approval by the body of which he or she is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one (1) year after termination of his or her membership in or on such body, unless the Ethics Commission shall give its approval for such appointment or election, and, further provided, that such approval shall not be granted unless the Ethics Commission is satisfied that denial of such employment or position would create a substantial hardship for the body, board, or municipality.

### **1.5.2 Prohibition on State Employment (36-14-5007)**

A. No member of the General Assembly shall seek or accept state employment, not held at the time of the member's election, while serving in the General Assembly and for a period of one (1) year after leaving legislative office. For purposes of this Regulation, "employment" shall include service as defined in R.I. Gen. Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

### **1.5.3 Restrictions on Activities Relating to Public Boards (36-14-5013)**

A. No member of the General Assembly, while serving as a member of a Public Board, shall:

1. ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of

economic value from any person, business or other entity having a financial interest, direct or indirect, in a contract or proposed contract in which the member has participated or intends to participate or vote, and in which the Public Board on which he or she serves, is an interested party. The Prohibition in this Subsection shall apply during the term of any such Contract and for a period of 12 months thereafter;

2. ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of economic value from any employee, or applicant for employment of that Public Board; or
3. while serving as an appointed member of an executive, public or quasi-public board, authority, corporation, commission or agency, and for a period of one (1) year after leaving that office, seek or accept employment, or act as an agent, attorney, professional service provider, professional consultant, or consultant for, any business or other entity which had a financial interest, direct or indirect, in any contract or proposed contract in which the Public Board was an interested party and which was in effect at any time during his or her service on the Public Board; and
4. The prohibitions contained in § 1.5.3(A) of this Part shall not apply to or prohibit political contributions.

B. No member of the General Assembly, while serving on a Public Board shall:

1. ask, demand, solicit, accept, receive or agree to receive any political contribution from any person, business or other entity ("Vendor") having a financial interest, direct or indirect, in a contract in which the member of the General Assembly has participated or voted as a member of said Public Board. This prohibition shall apply to any Vendor from which the member of the General Assembly has received any political contribution within 12 months prior to his or her participation or vote, and, in the event said member is otherwise permitted to participate or vote, he or she shall be prohibited from accepting any such political contribution from any Vendor after such participation or vote, during the term of the contract, and for a period of 12 months thereafter.
  - a. The prohibitions of § 1.5.3(B) of this Part shall also apply to political contributions through any Political Action Committee, or similar political funding entity, owned or controlled by such Vendor.
  - b. A Vendor under § 1.5.3(B) of this Part shall include, but not be limited to
    - (1) individuals,

- (2) partners,
- (3) managers and officers of a limited liability company, and members owning a five percent or greater interest in said limited liability company,
- (4) directors and officers of a corporation, and shareholders of a corporation owning a five percent or greater interest in said corporation; or

2. directly or indirectly ask, demand, or solicit any political contribution from any employee, or applicant for employment of that Public Board.

C. The restrictions and prohibitions of § 1.5.3 of this Part shall not apply to matters representing arm's length, bona fide contracts for which due and fair consideration has been paid and received by the parties.

D. For purposes of this Regulation, "Public Board" means all public bodies within the executive branch of the state government and all state executive, public and quasi-public authorities, corporations, commissions, councils, or agencies, provided, however, that the foregoing definition shall not apply to any such entity which

1. functions solely in an advisory capacity, or
2. exercises solely legislative functions.

E. This Regulation shall be effective upon filing.

#### **1.5.4 Municipal Official Revolving Door (36-14-5014)**

A. No municipal elected official or municipal school committee member, whether elected or appointed, while holding office and for a period of one (1) year after leaving municipal office, shall seek or accept employment with any municipal agency in the municipality in which the official serves, other than employment which was held at the time of the official's election or appointment to office or at the time of enactment of this Regulation, except as provided herein.

1. For purposes of this Regulation, "employment" shall include service as defined in R.I. Gen. Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to any municipality or municipal agency, whether as an individual or a principal of an entity performing such service.
2. For purposes of this Regulation, "municipal agency" shall include any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district and any other agency

that is in any branch of municipal government and exercises governmental functions other than in an advisory nature.

- B. Nothing contained herein shall prohibit a municipal elected official or municipal school committee member, whether elected or appointed, from seeking or being elected to any elective office.
- C. The Rhode Island Ethics Commission may authorize exceptions to this Regulation where such exceptions would not create an appearance of impropriety.

#### **1.5.5 State Executive/Administrative Revolving Door (36-14-5015)**

- A. No person holding or fulfilling a position in the Governor's Office or the Department of Administration who in the course of and by reason of his or her official duties has substantial involvement in matters involving a state agency, as defined herein in § 1.5.5(A)(5) of this Part, shall:
  - 1. Represent him or herself, as defined in § 1.1.4(A)(1) of this Part, before the state agency with which he or she has substantial involvement unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:
    - a. The Ethics Commission is satisfied that denial of such representation would create a hardship, and
    - b. the person shall first:
      - (1) Advise the Governor's Office or the Department of Administration and the state agency in writing of the existence and the nature of his or her relationship with the agency and his or her interest in the matter at issue;
      - (2) recuse him or herself from participating in the state agency's consideration and disposition of the matter at issue; and
      - (3) follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.
  - 2. Represent any other person, as defined in § 1.1.4(A)(2) of this Part, before the state agency with which he or she has substantial involvement in the course of and by reason of his or her official duties.
  - 3. Engage in any of the activities prohibited by §§ 1.5.5(A)(1) or (2) of this Part for a period of one year after he or she has officially severed his or

her position with the Governor's Office or the Department of Administration, unless:

- a. Such representation is in the proper discharge of his or her official duties; or
  - b. the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.
4. For purposes of this Regulation "substantial involvement" shall include, but is not necessarily limited to, substantial control or substantial influence over and/or substantial participation in matters involving budget, communications, legal, legislative, or policy matters. Positions exercising such involvement shall include, but are not limited to, Budget Officer, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of Administrative Services, Director of Policy, and Director of Legislative Affairs.
5. For purposes of this Regulation a state agency shall include, but is not necessarily limited to, any agency, board, bureau, commission, committee, department, division, governmental entity, office, or quasi-public authority in the executive branch of state government, or any agency or committee thereof, that exercises governmental functions and is not part of another constitutional office.
6. For purposes of this Regulation a person holding a position in the Governor's Office shall include, but is not necessarily limited to, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of Administrative Services, Director of Policy, and Director of Legislative Affairs.

B. No director or head of a state department, enumerated in R.I. Gen. Laws § 42-6-1 and as may be amended from time to time, and including directors and heads of divisions within the Department of Administration who are appointed by the Governor and/or the Director of the Department Administration, shall:

1. Represent him or herself, as defined in § 1.1.4(A)(1) of this Part, before the Governor's Office or the Department of Administration unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:
  - a. The Ethics Commission is satisfied that denial of such representation would create a hardship; and

- b. the person follows any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.
2. Represent any other person, as defined in § 1.1.4(A)(2) of this Part, before the Governor's Office or the Department of Administration.
3. Engage in any of the activities prohibited by §§ 1.5.5(B)(1) or (2) of this Part for a period of one year after he or she has officially severed his or her position, unless:
  - a. Such representation is in the proper discharge of his or her official duties; or
  - b. The particular matter before the Governor's Office or Department of Administration requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.

#### **1.5.6 Revolving Door, "Employment" Defined (36-14-5017)**

- A. For purposes of R.I. Gen. Laws §§ 36-14-5(n) and 36-14-5(o), "employment" shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

#### **1.5.7 Transition from State Employment (36-14-5018)**

- A. Notwithstanding the prohibitions set forth within R.I. Gen. Laws § 36-14-5(o)(1), a person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly may, upon leaving said position, serve as an independent contractor or consultant to his or her former agency for a period not to exceed ninety (90) days to assist in the transition of his or her former duties.

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**TITLE 520 - ETHICS COMMISSION**

**CHAPTER 00 - N/A**

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