

**520-RICR-00-00-2**

## **TITLE 520 – ETHICS COMMISSION**

### **CHAPTER 00 – N/A**

### **SUBCHAPTER 00 - N/A**

#### **PART 2 – Ethics Commission**

### **2.1 Access to Commission Records (36-14-5001)**

- A. All Commission records, other than those listed within R.I. Gen. Laws § 38-2-2(4) (Access to Public Records) and those relating to investigations of Complaints, shall be open to public inspection at reasonable times. Those persons wishing to shall be entitled to review said information during normal Commission hours, and upon prior notice and request. Copies of such public material shall be available to all persons subject to the payment of costs as provided for in R.I. Gen. Laws § 38-2-4.
- B. This amendment shall take effect December 18, 1991, and shall relate to any complaint filed with the Commission on or after December 18, 1991.

### **2.2 Commission Records (1028)**

- A. All Commission records, other than those referenced in R.I. Gen. Laws § 38-2-2(4) (Access to Public Records) and those relating to the investigations of complaints, shall be open to public inspection at reasonable times. Such records shall include, but are not limited to, pending Complaints and advisory opinion requests.
- B. Any person wishing to review Commission records shall be entitled to examine said information during Commission business hours and upon reasonable notice and request. Copies of such public material shall be available to all persons, subject to the payment of costs as provided in R.I. Gen. Laws § 38-2-4, except those costs required to be paid by the Respondent in § 3.22(J) of this Subchapter.

## **2.3 Public Forum Exceptions (36-14-8001)**

The prohibitions contained in R.I. Gen. Laws § 36-14-8(f) and regulations thereto shall in no way be construed to limit or prevent any individual who is a member or employee of the Commission from 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, unless otherwise specifically prohibited by this chapter.

## **2.4 Additional Officers (36-14-8002)**

- A. There shall be a secretary elected in accordance with R.I. Gen. Laws § 36-14-8(d).
- B. In the event of the absence of both the chairperson and the vice chairperson, the secretary shall preside. An assistant secretary *pro tem* shall act as secretary in the event of the secretary presiding at the meeting or in the event of the secretary's absence.

## **2.5 Annual Report Requests (36-14-9001)**

On or before the last Friday in December of each year, the Commission shall cause to be mailed, by first class mail, postage prepaid, an inquiry and roster from the then current records of the Commission to the clerk of each city and town and the state. Said inquiry shall include the definitions of those persons subject to the Code of Ethics (R.I. Gen. Laws § 36-14-2(1), (2), and (3)), and shall direct the clerk to furnish the title, names and address of those persons subject to the Code of Ethics for each town who do not appear on said roster, and to furnish said information for replacement of any additional persons subject to the code during the next succeeding twelve (12) month period.

## **2.6 Education (36-14-10001)**

The Commission shall, within 180 days of the adoption of this regulation, establish and appoint a subcommittee of the Commission appointed by the chairperson composed of five (5) Commission members (and the executive director, who shall serve in an *ex officio* capacity) to implement an appropriate educational program or programs as provided for in this section.

## **2.7 Advisory Opinions (1024)**

- A. A person subject to the Code of Ethics may request an advisory opinion relative to the provisions of the Code which may affect him or her. An entity subject to the Code may request an advisory opinion relative to the provisions of the Code which may affect all members of the entity, or a majority thereof. The request shall be in writing, include a complete statement of the facts, disclose the reasons for requesting the opinion and state any time period for Commission action which may be significant. The request shall be signed by the person requesting the opinion or by his or her representative.
- B. Upon receipt of the request for an advisory opinion, the Commission shall acknowledge the request and the right to submit supporting data.
- C. The Commission shall notify the person or entity requesting the opinion of the date the Commission intends to consider the request. All requests for advisory opinions shall be considered by the Commission in Open Session.
- D. The Commission, in its discretion, may invite the person or entity requesting an opinion, counsel, or any other interested person, to make a written or oral presentation.
- E. Any advisory opinion rendered by the Commission regarding provisions of the Code of Ethics must be approved, prior to issuance, by a majority of the members of the Commission.
- F. Any advisory opinion rendered by the Commission, until amended or revoked by a majority of the Commission, shall be binding on the Commission in any subsequent proceeding concerning the person or entity who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated in the request for the opinion.
- G. Advisory opinions are based upon the representations made by, or on behalf of the person or entity requesting the opinion, and are not the result of adversary or investigative proceedings.
- H. The Commission may issue general advisory opinions and emergency advisory opinions in such form and under such circumstances as the Commission shall deem appropriate.

## **2.8 Declaratory Ruling by Commission (1025)**

Any interested person may petition the Commission for a declaratory ruling as to the applicability of any provision of the Code of Ethics or of any regulation or order of the Commission. The Commission shall promptly respond to each such petition. Any ruling disposing of petitions shall have the same status as Commission orders in contested cases.

## **2.9 Petition for Adoption of Regulations (1026)**

- A. Any interested person may petition the Commission for the promulgation, amendment, repeal or adoption of any regulation. The petition shall be signed by the petitioner and shall state the specific reasons for the request. The Commission shall thereafter acknowledge receipt of the petition and advise the petitioner of the right to submit supporting data.
- B. Within thirty (30) days of receipt of the petition, the Commission shall either deny the petition in writing (stating its reasons for the denial) or initiate rule-making procedures in accordance with R.I. Gen. Laws § 42-35-3.
- C. The Commission shall notify the petitioner of the date the Commission intends to consider the petition and may, at its discretion, invite the petitioner or other interested parties to make oral or written presentation.

## **2.10 Adoption of Commission Policy and General Commission Advisory Opinions (1027)**

Final adoption of any policy or general Commission advisory opinion shall require an affirmative vote at two separate meetings of the Commission. The initial vote may occur at any public meeting of the Commission. The second or final vote shall only be taken after the proposed policy or general advisory opinion has been incorporated by specific reference on a public meeting notice relating to an open and public meeting of the Commission, thereby providing an opportunity for public comment on any proposed policy or general advisory opinion. Specifically excluded from these policies are any proposed regulations which are subject to promulgation pursuant to R.I. Gen. Laws § 42-35-3.

## **2.11 Severability of Regulations (36-14-21001)**

If any provision of these regulations, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of these regulations and the application of such provisions to other persons and circumstances shall not be affected thereby.

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.