

Regulation 1024 - Advisory Opinions.

- (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.