

# State of Rhode Island and Providence Plantations

**Rhode Island Ethics Commission  
40 Fountain Street  
Providence, RI 02903  
(401) 222-3790**

## **Public Notice of Proposed Rule-Making**

Pursuant to the provisions of R.I. Const., art. III, sec. 8 and R.I. Gen. Laws § 36-14-9, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-3, the Rhode Island Ethics Commission hereby gives notice of its intent to amend the following regulations:

Regulation 1006 -- Finding of Probable Cause. The purpose of this amendment is to eliminate the Complainant's attendance in executive session hearings, recognizing that the Complainant is not a party to the proceeding.

Regulation 1011 -- Informal Disposition. The purpose of this amendment is to eliminate the Complainant's attendance in executive session hearings and to maintain the confidentiality of settlement negotiations, recognizing that the Complainant is not a party to the proceeding.

Regulation 1003 -- Initial Determination of Complaint. The purpose of this amendment is to clarify that at this stage of the process, the Commission will not engage in fact-finding or consider materials not included in the Complaint.

Regulation 36-14-12001 -- Preliminary Investigations. The purpose of this amendment is to clarify that during a preliminary investigation, the Commission's only role is to determine whether there is good cause to allow an extension of time to conduct an investigation, and to clarify that at this stage the Executive Director may compel the attendance of witnesses and require the production of documents.

Regulation 1009 -- Subpoena. The purpose of this amendment is to clarify that the Executive Director may cause a subpoena to issue without the review or approval of a Commissioner.

The proposed regulations and concise summaries thereof are available for public inspection at <http://www.ethics.ri.gov>, in person at the above address, or by calling Jason Gramitt, Education Coordinator/Staff Attorney at (401) 222-3790.

In the development of the proposed amendments, 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 upon available information.

All interested parties are invited to submit written comments concerning the proposed regulations by March 1, 2010 to the Ethics Commission at the above address, or via email to [comment@ethics.state.ri.us](mailto:comment@ethics.state.ri.us). A public hearing to consider the proposed amendments shall be held on **Tuesday, March 9, 2010 at 9:00 a.m.** at the above address, at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling (401) 222-3790 or through Rhode Island Relay at 1-800-RI5-5555.

# STATE OF RHODE ISLAND

## RHODE ISLAND ETHICS COMMISSION

### PROPOSED AMENDED REGULATION 1003

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1        **Regulation 1003 - Initial Determination of Complaint.**

2        (a)    At the initial determination, the Commissioners must review the complaint and decide  
3        whether or not the facts alleged, if true, are sufficient to constitute a knowing and willful  
4        violation of the Code of Ethics. The Commissioners will not review any additional  
5        information or engage in any fact finding. The Commissioners are to examine the  
6        alleged facts within the four (4) corners of the complaint, without making any judgment  
7        as to credibility or examination of any collateral information.

8        (a) (b) If the Commission determines that the Complaint fails to allege facts sufficient to  
9        constitute a knowing and willful violation of the Code of Ethics, the Complaint shall be  
10       dismissed and the Respondent and Complainant shall be mailed a written notification of  
11       the dismissal within three (3) working days.

12       (b) (c) If the Commission determines that the Complaint alleges facts sufficient to constitute a  
13       knowing and willful violation of the Code of Ethics, the Commission shall promptly  
14       investigate the allegations contained therein. The Respondent and Complainant shall also  
15       be sent any written notification regarding such initial determination by the Commission  
16       within three (3) working days.

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19        CONCISE SUMMARY OF NON-TECHNICAL AMENDMENT

20        This amendment clarifies that at the initial determination stage, the Commission will only  
21        examine the facts alleged within the complaint, without engaging in fact-finding or  
22        consideration of external facts or arguments.