

Regulation 36-14-5015 - Prohibited Activities – State Executive/Administrative Revolving Door.

(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 subsection (a)(5), shall:

(1) Represent him or herself, as defined in Regulation 36-14-5016(a), 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:

(i) 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;

(ii) recuse him or herself from participating in the state agency's consideration and disposition of the matter at issue; and

(iii) 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 Regulation 36-14-5016(b), 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 subsection (a)(1) or (a)(2) of this regulation 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 Regulation 36-14-5016(a), 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 Regulation 36-14-5016(b), before the Governor's Office or the Department of Administration.

(3) Engage in any of the activities prohibited by subsection (b)(1) or (b)(2) of this regulation 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.