

**MINUTES OF THE PUBLIC MEETING OF THE
RHODE ISLAND ETHICS COMMISSION
REGULATION SUBCOMMITTEE**

May 17, 2011

The Rhode Island Ethics Commission Regulation Subcommittee held its 5th meeting of 2011 following a regularly scheduled full Ethics Commission meeting on May 17, 2011, at the Rhode Island Ethics Commission hearing room located on the eighth floor of 40 Fountain Street, Providence, RI, pursuant to notices published at the Commission Offices and at the State House Library.

The following subcommittee members were present:

Deborah M. Cerullo SSND, Chair

Edward A. Magro

J. William W. Harsch

Also present was Ethics Commission Chairperson Ross Cheit and Commission Staff Attorneys Jason Gramitt and Amy Stewart.

Commissioner Cerullo called the meeting to order at approximately 10:45 a.m.

The subcommittee reviewed the minutes of the Regulation Subcommittee meeting held on March 22, 2011. Upon a properly

made motion and second, it was unanimously:

VOTED: To approve the minutes of the Regulation Subcommittee meeting held on March 22, 2011.

The subcommittee noted that it had presented proposed Regulation 36-14-5012 Prohibited Activities -- Employee Contract Negotiations, to the full Commission at its last meeting on May 3, 2011, and that the matter had been referred back to the subcommittee for further consideration and drafting.

Staff Attorney Gramitt noted that Staff Attorney Amy Stewart would be working with him in support of this subcommittee going forward, and that he would likely be absent from the next meeting.

Commissioner Cerullo asked for Commission Chair Ross Cheit to summarize the concerns that he previously voiced at the Commission's last meeting. Broadly summarized, Chair Cheit's concerns included: (1) whether the Commission had established that the regulation was needed, or that the regulated conduct was so problematic as to require regulation in this area; (2) that the language as proposed appeared to have an overly broad application, in that it applied across occupations and professions; (3) that the regulation prohibited officials with expertise in a certain area, for example teaching, from using that expertise to assist in negotiating a teachers contract; and (4) that voters arguably knew the backgrounds of the

people they voted for, and that by enacting the regulation the Commission was substituting its judgment for that of the electorate.

Subcommittee members thanked Chair Cheit for his comments and participation. The members recalled prior testimony as to the use of comparables in collective bargaining, and agreed to review the previously submitted public comments. In light of the discussion at the last Commission meeting, the members asked the staff to amend the proposed regulation to limit its application to participation in contracts that involve a member's same occupation or profession. The staff indicated that such an amendment would be prepared for the next meeting.

The subcommittee clarified that it was not yet soliciting public comment, but that it would consider any written comment that came in. Staff Attorney Gramitt stated that he would include any such comment received in the subcommittee packets.

Having concluded its business, upon motion by Commissioner Harsch and seconded by Commissioner Magro, it was unanimously:

VOTED: To adjourn the subcommittee meeting.

Whereupon the meeting adjourned at approximately 11:30 p.m.

Respectfully submitted,

Jason Gramitt
Staff Attorney