

Rhode Island Ethics Commission



Annual Report
Fiscal Year 2022

Rhode Island Ethics Commission

Annual Report

July 1, 2021 – June 30, 2022

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Vice-Chairperson, Arianne Corrente
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Commissioner, Timothy Murphy, MD
Commissioner, J. Douglas Bennett
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This Annual Report summarizes the activities of the Ethics Commission for State Fiscal Year 2022 (FY2022), the time period covering July 1, 2021, to June 30, 2022. The separate sections of this Annual Report describe FY2022 activities relating to regulatory and policy changes, declaratory rulings, advisory opinions, investigations and enforcement proceedings, litigation, financial disclosure, education, and public access.

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I. INTRODUCTION TO THE COMMISSION

The Rhode Island Ethics Commission (Commission) is a constitutionally mandated body authorized to adopt, administer, and enforce the State of Rhode Island's Code of Ethics in Government (Code or Code of Ethics). R.I. Const. art. III, sec. 8. The Code of Ethics is embodied in Rhode Island General Laws §§ 36-14-4 to -7 and Commission Regulations 520-RICR-00-00-1 to -4. The Code sets forth standards of conduct for all Rhode Island public officials and employees.

The Commission educates and advises public officials and employees about the standards of conduct set forth in the Code of Ethics. The Commission's education program offers seminars and workshops, and disseminates publications about the Code of Ethics and Commission procedures. The Commission issues advisory opinions in response to specific questions about the Code posed by public officials and employees facing potential conflicts of interest.

The Commission facilitates transparency in government through its administration of the filing of annual financial disclosure statements. This is an ongoing process in which a database of required filers is maintained and updated by Commission staff. Once filed, financial disclosure statements become public documents that the Commission makes available for viewing on the Ethics Commission website.

The Commission enforces the Code of Ethics through a combination of executive session investigative proceedings, open hearings, and public adjudications. Enforcement powers include issuing cease and desist orders, imposition of monetary civil penalties, referral to law enforcement for criminal prosecution, and, in some instances, the power to remove a public official from office.

All of the Commission's educational publications, advisory opinions, complaints, and final dispositions are available to the public as public records. Investigative reports, related pleadings, and Commission orders become public at specific junctures in the enforcement process.

HISTORY

In 1976, the Rhode Island General Assembly enacted the State's first Code of Ethics and created the Conflict of Interest Commission. That Code governed the activities of state and municipal elected and appointed officials and required all such officials to meet newly imposed financial disclosure requirements. In November of 1986, Rhode Island voters adopted a constitutional amendment mandating that the General Assembly "establish an independent non-partisan ethics commission" R.I. Const. art. III, sec. 8. In 1987, the General Assembly replaced the Conflict of Interest Commission with a fifteen (15) member Ethics Commission. In 1992, the General Assembly reduced the size of the Ethics Commission to its current nine (9) members. In 2016, the citizens of Rhode Island voted to amend the Rhode Island Constitution to clarify that members of the General Assembly were subject to the Code of Ethics and the enforcement authority of the Ethics Commission.

POWERS

The fundamental powers of the Ethics Commission are to:

- Adopt, amend, and enforce the Code of Ethics;
- Advise public officials and employees about the Code of Ethics through the issuance of advisory opinions, as requested;
- Administer and enforce financial disclosure requirements;
- Maintain financial disclosure records;
- Enforce the Code of Ethics through a combination of executive session investigative proceedings, open hearings, and public adjudications; and
- Educate public officials, government employees, and citizens.

RHODE ISLAND CODE OF ETHICS IN GOVERNMENT

The Rhode Island Constitution sets forth an expectation that public officials and employees "adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage."¹ The Rhode Island Constitution further provides that all elected and appointed officials and employees of state and local government, of boards, commissions and agencies are subject to the Code of Ethics.²

¹ R.I. Const. art. III, sec. 7.

² R.I. Const. art. III, sec. 8.

The Code of Ethics regulates conflicts of interest which occur when public officials' or employees' public duties intersect with their private interests. Public officials and employees may not have financial interests that are in substantial conflict with the proper discharge of their public duties.³ Conflicts of interest include the financial interests of the public official or employee as well as those of his or her family members, private employers, business associates, or any business the official or employee may represent.⁴ When conflicts of interest arise, public officials and employees are required to disclose the nature of the conflict.⁵ They are further required to recuse themselves from taking any official government action or participating in deliberations concerning a matter in which they have a conflict of interest.⁶

The Code of Ethics consists of statutory provisions enacted by the General Assembly and regulations adopted by the Commission.⁷ Commission procedures are also set forth in the statutes and Commission regulations.⁸ Complete copies of the Code are available at the Commission offices and may be viewed on the Commission's website at <https://ethics.ri.gov/>.

Furthermore, the Ethics Commission has regulatory authority relating to certain financial disclosure requirements for gambling interests,⁹ and has enforcement authority relating to goods or services provided to public officials and employees by state vendors.¹⁰ The Ethics Commission also works with the Rhode Island Board of Governors for Higher Education in the review of applications for exceptions to the Code made by state university inventors and researchers.¹¹

THE COMMISSION

The Commission is comprised of nine (9) Rhode Island citizens. Four (4) are appointed directly by the Governor; the other five (5) are appointed by the Governor from lists of nominees submitted by the President and the Minority Leader of the Rhode Island Senate, as well as the Speaker, the Majority Leader, and the Minority Leader of the Rhode Island House of Representatives, respectively. R.I. Gen. Laws § 36-14-8(a). Commissioners serve a five-year term, but may continue serving beyond that term until a successor is appointed.

³ R.I. Gen. Laws § 36-14-5(a).

⁴ R.I. Gen. Laws § 36-14-7(a).

⁵ R.I. Gen. Laws § 36-14-6.

⁶ R.I. Gen. Laws §§ 36-14-5 & -6; Regulations 520-RICR-00-00-1.1.4; -1.2.1; -1.2.2; -1.3.1; -1.3.2; -1.4.1 to -1.4.4; -1.5.1 to -1.5.7.

⁷ R.I. Gen. Laws §§ 36-14-1 to -7; Regulations 520-RICR-00-00-1 to -4

⁸ R.I. Gen. Laws §§ 36-14-12 to -14; Regulations 520-RICR-00-00-2.2; -2.7 to -2.10; -3; -4.1.

⁹ R.I. Gen. Laws §§ 41-9-1 to -6.

¹⁰ R.I. Gen. Laws §§ 36-14.1-1 to -4.

¹¹ R.I. Gen. Laws § 16-59-26.

R.I. Gen. Laws § 36-14-8(c). While serving on the Commission, members are prohibited from holding or campaigning for public office, holding office in any political party or political committee, participating in or contributing to any political campaign, attempting to influence any decision by a Rhode Island governmental body other than as an authorized representative of the Ethics Commission, or owning or being employed by a business entity that derives any revenue by engaging in lobbying. R.I. Gen. Laws § 36-14-8(f).

Commission members serve as volunteers and receive no compensation whatsoever.

COMMISSION MEMBERS DURING FY2022

Marisa A. Quinn (Chairperson) was appointed by Governor Gina M. Raimondo in March 2015. The Commission elected her Vice-Chairperson on December 11, 2018, and Chairperson on January 7, 2020. Ms. Quinn is the founder and principal of Conanicut Strategies, LLC, a consulting practice that provides services to mission-driven clients in the intersecting areas of strategy, public affairs, policy development, strategic planning, and communications. She brings decades of experience in the public and non-profit sectors. Ms. Quinn spent 22 years at Brown University, serving in a variety of roles, including as Assistant to President Ruth J. Simmons, Vice President for Public Affairs and University Relations, and most recently as the Chief of Staff to Provost Richard M. Locke. She began her career as a legislative aide to US Senator Claiborne Pell on the Subcommittee on Education, Arts and the Humanities. Ms. Quinn subsequently served as policy advisor to New Jersey Governor James J. Florio; public affairs specialist at the Port Authority of New York and New Jersey; and chief of communications and public information at the Rhode Island Department of Elementary and Secondary Education. She graduated from the University of Rhode Island with a bachelor's degree in political science and earned a master's degree from the Eagleton Institute of Politics at Rutgers University. Ms. Quinn is currently a board member of Trinity Repertory Company.

Ariane Corrente (Vice-Chairperson) was nominated by the Senate President and appointed by the Governor in June 2017. The Commission elected her Secretary on December 11, 2018, and Vice-Chairperson on January 7, 2020. Ms. Corrente currently serves as Vice President of Communications and Marketing at the Rhode Island Foundation. Previously, Ms. Corrente was District Director for U.S. Representative David Cicilline (RI-1). She has also worked in public affairs for Harvard University, served as Deputy Chief of Staff

for former Providence Mayor Angel Taveras, and partnered with many community clients in consulting roles at Advocacy Solutions and the Clarendon Group. She earned a B.A. in political science at the University of Connecticut. Ms. Corrente has also served in volunteer capacities on the boards of directors of the Women's Fund of R.I., Sophia Academy, and on the Public Affairs Committee for the March of Dimes.

Kyle P. Palumbo, Esq. (Secretary) was nominated by the House Majority Leader and appointed by the Governor in 2019. The Commission elected him Secretary on January 7, 2020. Attorney Palumbo currently serves as General Counsel of a Rhode Island based renewable energy development organization where the majority of his time is spent on the drafting, review, and negotiation of contracts, as well as administering commercial transactions. During his time in private practice as an attorney licensed to practice law in the State of Rhode Island and the Commonwealth of Massachusetts, Attorney Palumbo's practice concentrated in the representation of privately-held businesses as outside corporate counsel, which representation included commercial real estate transactions, corporate acquisitions and sales, commercial financing, and asset protection strategies. Attorney Palumbo earned his Juris Doctorate degree from Suffolk University Law School (Boston, MA), and holds a Bachelor of Science from the University of Tampa (Tampa, FL) where he studied economics and accounting.

M. Therese Antone, RSM was directly appointed by the Governor in February 2015. Sister Therese was appointed to serve as Chancellor of Salve Regina University in 2009, having previously served as President of Salve Regina from 1994 to 2009. A member of the Institute of the Sisters of Mercy of the Americas, she has had teaching and leadership experience at all educational levels. Her career at Salve Regina included tenure as a professor of Mathematics and Management and Executive Vice President for Corporate Affairs and Advancement. She has also served as treasurer for the Sisters of Mercy, serving in Rhode Island, Massachusetts and Central America. Sister Therese has extensive governance experience, including service on the Diocesan Finance Council and the boards of the University of Detroit Mercy, Misericordia University, AAA New England, BankNewport, Lifespan Health Corporation and Beacon Mutual Insurance Company. She currently serves on the boards of the Newport Hospital Foundation, the Sisters of Mercy Investment Services and the Davis Educational Foundation. Sister Therese holds a doctorate from Harvard University in Education with emphasis in administration, planning and social policy, and a master's degree in mathematics from Villanova University. She completed the international senior executive program at MIT's Sloan

School of Management. She has been the recipient of many honors and awards including the John E. Fogarty Achievement Award and the Mercy Higher Education Leadership Award, and she has been inducted into the Rhode Island Heritage Hall of Fame. Sister Therese was a Fulbright senior specialist at Krasnoyarsk University in Russia, and the state of Kentucky commissioned her as a Kentucky Colonel in 2008. Sister Therese served on the Commission until November 15, 2021.

Timothy Murphy, MD was appointed directly by the Governor in February 2015. Dr. Murphy graduated from the six-year Medical Education Program at Boston University in 1987. His medical training included an internship at Cambridge Hospital in Cambridge, Massachusetts, and a residency in Diagnostic Imaging followed by a fellowship in Vascular and Interventional Radiology at Rhode Island Hospital/Warren Alpert Medical School of Brown University (Brown Medical School). Dr. Murphy is currently the Chief Executive Officer of Summa Therapeutics and also a fellow in the Society of Interventional Radiology, the American College of Radiology, the American Heart Association, and the Society for Vascular Biology and Medicine. Dr. Murphy served on the Commission until August 11, 2021.

J. Douglas Bennett was nominated by the House Minority Leader and appointed by Governor Gina M. Raimondo in December 2016. Mr. Bennett served on the Board of the Rhode Island State Council for the Arts, the Governors Health Care Advisory Council, as well as on the North Smithfield Town Council and the North Smithfield Board of Canvassers. Currently, Mr. Bennett is a Real Estate Broker and Partner with The Salzberg Real Estate Agency, a firm conducting residential and commercial business throughout Rhode Island and Southern Massachusetts. He was previously employed by Dow Reichhold Specialty Latex for 26 years, before retiring as a North American Business Manager responsible for several markets in the area of Construction Products, Heavy Highway Products, and North American Distribution. Mr. Bennett is a graduate of Fairfield University with a B.S. in Marketing. Mr. Bennett served on the Commission until May 20, 2022.

Lauren E. Jones, Esq. was appointed directly by Governor Daniel J. McKee in April of 2021. Attorney Jones received his Bachelor of Arts degree from the University of Michigan in 1973 and graduated from Duke University School of Law in 1977. A resident of Rhode Island since 1978, Mr. Jones maintains a law practice in Providence, the focus of which is Appellate Litigation. He has appeared before the Rhode Island Supreme Court in hundreds of cases and is a Fellow of the American Academy of Appellate Lawyers. He also has extensive

experience in the Superior and Family Courts. In the past, Mr. Jones has represented clients before the Ethics Commission. He regularly presents Continuing Legal Education seminars and is frequently consulted by fellow lawyers in his areas of expertise. From 1998 to 1999, Mr. Jones served as President of the Rhode Island Bar Association and has been a member of the Executive Committee or the House of Delegates of the Rhode Island Bar Association for 35 years. He was Editor-in-Chief of the Rhode Island Bar Journal for 10 years, has been on the Board of Directors of the Rhode Island Bar Foundation for more than 15 years, and was serving as Secretary of the Bar Foundation when he was nominated to the Ethics Commission. Currently, Mr. Jones serves on the Grants Committee of the Bar Foundation, which is charged with recommending annual distribution of Interest on Lawyer Trust Account funds to law and justice related agencies.

Matthew D. Strauss, J.D. was nominated by the Senate Minority Leader and appointed by the Governor in April of 2021. Mr. Strauss graduated *summa cum laude* from the University of Rhode Island and *magna cum laude* from Roger Williams University School of Law. Following his graduation from law school, he served as a judicial clerk for Rhode Island Superior Court Associate Justice Brian P. Stern, where he assisted with cases on the business calendar. He was then an associate at Littler Mendelson, a national, management-side employment law firm. Mr. Strauss is currently the Operations Manager at Key Container, a corrugated box manufacturing company, owned by his family and based in Pawtucket, Rhode Island.

Holly J. Susi was nominated by the Speaker of the House and appointed by the Governor in April of 2021. Ms. Susi presently serves as a professor of communication at the Community College of Rhode Island where she is a member of the Faculty Senate and a member of the Faculty Senate Leadership Committee. Ms. Susi is also presently a Trauma Care Champion at CCRI developing curriculum to inform a variety of populations about the impact of trauma and strategies for interventions in a mental health crisis. Ms. Susi joined CCRI in 1999 as a public relations officer. She has also served as communications director for a nonprofit and worked as executive assistant to the former Cumberland Mayor Edgar R. Alger III. Prior to that, she served as a newspaper reporter and editor. Ms. Susi's volunteer roles include work with the RI Fire Chiefs Honor Flight since its inception in 2012 where she serves as a photographer and social media manager. She has served 12 years as a volunteer and behavioral health counselor with the RI Critical Incident Stress Management Team providing education and support to Rhode Island's First Responders. Ms. Susi is a graduate of CCRI and holds a B.A. and an M.A. from

Rhode Island College as well as a master's degree from the University of Rhode Island.

COMMISSION STAFF

The staff of the Ethics Commission is responsible for the daily operations of the agency. The Executive Director/Chief Prosecutor is the chief administrative officer. He directs all investigative and enforcement activities, prosecutes complaints before the Commission, litigates matters before the Superior and Supreme Courts of Rhode Island, and coordinates policy decisions of the Commission. The Education Coordinator designs, develops, and directs all live and online educational programs, including seminars and publications. The Staff Attorneys oversee investigative matters, conduct prosecutions, represent the Commission in court litigation, and draft legal recommendations for the Commission regarding advisory opinions, legislation, and policy matters. The Investigators investigate complaints filed by the public and by the Commission, oversee preliminary investigations, and process and review non-complaint information received by and/or referred to the Commission. The Office Manager and administrative staff maintain all financial disclosure and complaint records and provide administrative support to all Commission programs and activities. Considerable staff time is devoted to creating and maintaining accessible records for public inspection. The staff responds to hundreds of requests for information and for access to Commission public records.

In FY2022, the Commission staff was as follows:

| | |
|--------------------------------------|----------------------------------|
| Executive Director/Chief Prosecutor | Jason Gramitt, Esq. |
| Senior Staff Attorney | Katherine D'Arezzo, Esq. |
| Education Coordinator/Staff Attorney | Lynne M. Radiches, Esq. |
| Staff Attorney | Teodora Popova Papa, Esq. |
| Staff Attorney | Teresa Giusti, Esq. |
| Chief of Investigations | Steven T. Cross/Peter J. Mancini |
| Senior Confidential Investigator | Gary V. Petrarca |
| Deputy Chief Investigator | Kevin Santurri |
| Office Manager | Tracy Teixeira |
| Financial Disclosure Officer | Michelle R. Berg |
| Administrative Assistant | Christine Andreozzi/Tara Olsen |
| Research Aide | Sherilyn Gutierrez |

LEGAL COUNSEL

The Ethics Commission retains the services of private legal counsel who acts independently of the Executive Director and the Commission staff to provide Commissioners with independent counsel and legal advice, particularly in relation to proceedings involving ethics complaints against public officials and employees. The Commission's Legal Counsel in FY2022 was Herbert F. DeSimone, Jr., Esq.

BUDGET

The Commission's expenditures for FY2022 totaled \$1,801,742. This reflects a decrease of \$30,576 from FY2021.

II. ADVISORY OPINIONS

Rhode Island General Laws § 36-14-11 authorizes the Ethics Commission to issue advisory opinions to public officials and employees, both at the state and municipal levels. Any public official or employee may request or petition that the Commission interpret the Code of Ethics and recommend specific actions in keeping with the requirements of the Code. Requests for advisory opinions must be made in writing and include the petitioner's position, the jurisdiction and powers of the department, agency, or public body on or for which he or she serves, and the nature of the potential conflict or other inquiry. Advisory opinions are issued in open session and are public records. Copies of advisory opinions are available at the Commission offices and advisory opinions issued since 1995 can be found on the Commission's website at <https://ethics.ri.gov/>.

| Advisory Opinion Process Flowchart | |
|--|--|
| The Commission receives a request for an advisory opinion. | |
| Does the request meet all of the following criteria: <ul style="list-style-type: none">• Is it requested by a person subject to the Code?• Is it requested by the person affected or a representative thereof?• Does it concern prospective conduct?• Is it within the Commission's jurisdiction? | |
| YES: An acknowledgement letter will be sent to the petitioner. | NO: A rejection letter will be sent to the petitioner. |
| NEXT: A staff attorney will draft a recommendation and, after review, the Executive Director will send the draft to the petitioner. | |

The Commission reviews the draft at an open meeting and votes to approve or amend the draft.

IF APPROVED: An advisory opinion is issued as a public record and a copy is sent to the petitioner.

IF NOT APPROVED: No advisory opinion issues. The petitioner is so notified.

ADVISORY OPINION REQUESTS IN FY2022

The Commission received fifty-five (55) requests for advisory opinions in FY2022. Each request is assigned to a staff attorney, who contacts the petitioner to discuss the facts and obtain further information, conducts legal research, meets with the petitioner as necessary, and provides informal guidance. The staff attorney ascertains whether the Commission has jurisdiction and explains advisory opinion procedures to the petitioner. In FY2022, after an initial review, twenty-four (24) advisory opinion requests were withdrawn. Advisory opinion requests are often withdrawn for some of the following reasons: the conduct was most likely prohibited and the petitioner decided to recuse rather than seek the opinion; the opinion was not requested by the person who had the potential conflict; the request was based on a set of hypothetical facts; the petitioner did not provide specific information necessary to issue an advisory opinion, or the request became moot.

The Ethics Commission issued thirty-two (32) advisory opinions in FY2022, of which:

- 5 were issued to state elected officials;
- 1 was issued to a state appointed official;
- 4 were issued to state employees;
- 8 were issued to municipal elected officials;
- 7 were issued to municipal appointed officials;
- 5 were issued to municipal employees;
- 2 were issued to persons who served in dual public positions.

The advisory opinions issued in FY2022 encompassed a variety of issues, including, but not limited to: business associates, nepotism, recusals, budget, financial interests, property interests, potential conflicts arising from a public official or employee's private employment, service in dual public roles, the post-employment revolving door provision, and matters involving the hardship or class exceptions, which allow a public official to participate in a matter which would otherwise constitute a conflict of interest, and secondary employment.

ADVISORY OPINION KEYWORD INDEX

Advisory opinions issued in FY2022 addressed a variety of keyword topics. Because requests often raise multiple issues, the number of topics addressed in advisory opinions exceeds the total number of advisory opinions issued.

| | |
|---------------------------------|----------------------------------|
| Abutter.....1 | Line Item.....1 |
| Appearance of Impropriety.....1 | Negotiations1 |
| Budget.....1 | Nepotism.....6 |
| Business Associates.....8 | Post Employment.....1 |
| Code of Ethics1 | Private Employment.....2 |
| Collective Bargaining1 | Property Interest.....1 |
| Confidential Information.....1 | Public Comment1 |
| Conflict of Interest5 | Public Corporations.....1 |
| Contracts.....1 | Quasi-Public1 |
| Class Exception2 | Recusal.....9 |
| Dual Public Roles.....3 | Representing Oneself or Others.1 |
| Financial Interest1 | Revolving Door.....3 |
| Family.....1 | Secondary Employment.....3 |
| Family Member2 | Solicitation.....1 |
| Family: Public Employment.....1 | Transactions with |
| Hardship Exception3 | Subordinates1 |
| Jurisdiction.....1 | |

III. EDUCATION

The Ethics Commission has established an education program, the purpose of which is to educate public officials, public employees, and all Rhode Island citizens regarding the Code of Ethics and Commission procedures. The Commission's education program includes seminars and workshops presented both in-person and via teleconference, online training modules, as well as the production and dissemination of handouts and other publications explaining the Code of Ethics.

The Commission employs an Education Coordinator to implement and oversee the education program. The Education Coordinator conducts outreach and training for public officials and employees at all levels of government, and crafts objectives and content for presentations that best meet the needs of a specific agency or department.

The live education trainings, both in-person and via teleconference, are provided in an interactive presentation format and vary in duration, depending on the needs and goals of the agency or department. Commission publications are available during these presentations and at the Commission offices and on its website. The live trainings are designed to be easily tailored to the unique governmental roles and responsibilities of its participants. Each training is built around a core curriculum. In addition, the governing statutes, policies, and procedures of the sponsoring agency and the job descriptions, powers, and duties of the participants are taken into account so as to focus the discussion on the most relevant sections of the Code of Ethics. The Education Coordinator enriches the program with real-world examples of Code applications. Whenever possible, trainings are provided at the worksites or meeting places of the participants. Most presentations are provided at no cost to the sponsoring agency, although occasionally agencies are asked to assist the Ethics Commission with the costs of duplicating handouts used in the presentations.

In September of 2021, the Commission announced the unveiling of a new online training program entitled "Introduction to the Rhode Island Ethics Commission and the Rhode Island Code of Ethics" which was developed by the Commission's Education Coordinator. The online training consists of seven PowerPoint modules, each 7-10 minutes in length, with the entire course designed to be completed in about an hour. The modules include the following topics: Introduction; Conflict of Interest and Recusal, Nepotism, Guide to Prohibited Activities, Advisory Opinions and Complaints, and Financial Disclosure.

Online training is not intended to replace in-person training but is offered as a convenient supplement or when immediate access to information is needed. Additional information regarding ethics trainings and education materials can be found on the Commission's website at <https://ethics.ri.gov/>.

EDUCATION PRESENTATIONS PROVIDED IN FY2022

In FY2022, the staff provided forty-two (42) live workshops, seminars and presentations to more than 2,270 individuals across the state. At the municipal level, training was provided to employees of the Providence City Council, Clerk's Office, and Internal Audits; and to Solicitors and Municipal Attorneys from various municipalities.

At the state level, live training was provided to the Rhode Island House of Representatives, the Rhode Island Senate, the Rhode Island State Police, the Office of Attorney General-Civil Division, the Office of Lieutenant Governor, the Office of the Secretary of State, the Department of Environmental Management Bootcamp, the Department of Health, the Department of Transportation, the Employees' Retirement System of Rhode Island, the Governor's Commission on Disabilities, and Health Source Rhode Island. Training was also provided monthly to new state employees.

Additionally, live presentations were provided to the Rhode Island League of Cities and Towns, the Association of Assessing Officers, the Accountants and Auditors Institute, the Rhode Island Association of Public Accountants, and the International Personnel Management Association. A guest lecture was presented to a class of students enrolled in the Johnson and Wales University's Public Ethics Class. Ethics training was also part of the curriculum of the U.S. Department of Defense, Defense Institute of International Legal Studies (DIILS), which was attended by government and military representatives from a number of countries.

In FY2022, a total of 626 individuals engaged in the online training, 152 of which were municipal and 474 of which were state public officials and employees.

TELEPHONE AND WALK-IN INQUIRIES

In FY2022, the Commission continued its efforts in responding to telephone inquiries from government officials, public employees, and the public at large. Each business day, a Commission staff attorney and/or investigator was

available to respond to numerous phone calls and emails from members of the public in need of information or guidance. While not offering legal advice, the staff provided information, copies of past advisory opinions, and educational publications. Although many of the calls involved questions about advisory opinions or complaints, other matters included questions about financial disclosure, recusal, whether a particular matter fell within the Commission's jurisdiction, gifts, dual public roles, revolving door, private employment, nepotism, and other requests for information.

IV. FINANCIAL DISCLOSURE

The Ethics Commission is empowered by the Rhode Island Constitution to adopt provisions of the Code of Ethics governing financial disclosure by public officials. The purpose of requiring financial disclosure is to help ensure that those public officials and employees acting in the public interest do not use their public positions to further their private financial interests. The financial disclosure statement also provides evidence that there are no conflicts between a public official's financial interests and his or her public duties. All financial disclosure statements are public records.

By statute, financial disclosure to the Ethics Commission is required of:

- (a) all state and municipal elected officials;
- (b) candidates for state or municipal elective office;
- (c) most state and municipal appointed officials; and
- (d) some state employees who serve in major decision-making positions.

Financial disclosure statements are filed annually. Public officials are required to disclose major assets and sources of occupational income, including those of a spouse and any dependent children. Public officials must also disclose whether they, their spouses, or any dependent children hold an interest in any business regulated by the Rhode Island government or in any enterprise which engages in business transactions with the government. Additionally, public officials must disclose the name and address of any person, business, or organization which is owed more than one thousand dollars (\$1,000) by the public official, a spouse, or a dependent child.

Most public officials are not required to disclose the dollar amount or value of any income, asset, or debt. However, the five General Officers (Governor, Lieutenant Governor, Attorney General, Secretary of State, and Treasurer) and any candidates for a general office must disclose both the source and amount of

any income, occupational or otherwise, that is greater than two hundred dollars (\$200).

FINANCIAL DISCLOSURE PROCESS

Databases are used to create and maintain lists of public officials subject to financial disclosure requirements. Commission staff continuously update these databases when people declare as candidates, elections are held, appointments are made, terms end, officials resign, new positions are created, and former agencies and commissions are disbanded. Accordingly, the statistics relative to the 2021 financial disclosure filings continue to change even after the close of the fiscal year.

Public officials and employees who are required to file financial disclosure statements are identified by the city and town clerks, fire districts, and leaders of state departments and agencies. Lists containing the names of such filers are transmitted to Commission staff. Thereafter, financial disclosure forms and instructions are mailed to required filers in March of each year. Financial disclosure forms and instructions are also mailed throughout the year to newly installed public officials and employees upon receipt by the Commission of official written notice of their election, appointment, or hiring.

Financial disclosure statements for each calendar year must be filed by incumbent filers no later than the last Friday in April of the following year. For example, the 2021 financial disclosure statement was due to be filed by the last Friday in April 2022. Some filers request and are granted a sixty (60) day extension for filing, extending the due date until late June.

The Commission staff dedicates significant attention and resources to encouraging compliance with the financial disclosure requirement. Although not required by statute or regulation, the Ethics Commission has developed and implemented a series of procedures referred to as “Operation Compliance,” which are aimed at improving the financial disclosure compliance rate. Pursuant to Operation Compliance, which extends beyond the end of each fiscal year, public officials who have not filed by the April deadline, or by the June extension if applicable, are mailed a reminder letter that contains a clear warning that non-filing may result in a formal complaint and the imposition of a civil penalty. This letter generally provides a short amnesty period during which no complaint will be initiated by Commission staff if the required filing is made.

Another Operation Compliance procedure involves the Commission staff personally contacting Rhode Island city and town solicitors, clerks, and state officials to provide them with lists of non-filers in their municipalities or departments. The Commission staff requests that these non-filers be contacted by their own staff and encouraged to comply with the filing requirement, in an effort to further reduce the need to initiate prosecutions or impose monetary penalties.

The final phase of Operation Compliance involves the initiation of the complaint process. Officials who still have not complied at this point are subject to having complaints filed against them.

These policies and procedures, including Operation Compliance, are repeated in each successive filing year. It is the goal of the Commission to improve financial disclosure compliance each year in an effort to achieve a rate of 100% compliance.

THE ONLINE FILING INITIATIVE

In March 2012, the Commission launched an online filing system for financial disclosure statements which is a fast and convenient way for filers to comply with their annual financial disclosure filing requirement. Filers access the online filing system through the Commission's website using a unique PIN number and Personal ID number. Completing and filing a financial disclosure statement online is simpler and easier than completing the form by hand. For filers' convenience, the information provided is saved from year to year and is imported into the new filing. Additionally, a filer can log out at any time without losing the information that was entered and, upon successful completion of the form, filers receive a confirmation email along with a copy of the completed filing. If necessary, filers may also amend previously filed statements using the online filing tool.

ONLINE ACCESS TO FINANCIAL DISCLOSE STATEMENTS

In November 2018, the Commission made financial disclosure statements for calendar year 2017 and thereafter available for public review on the Commission's website at <https://ethics.ri.gov/>.

COMPLIANCE IN FILING THE 2021 FINANCIAL DISCLOSURE STATEMENT

In FY2022, approximately 4,436 incumbent public officials and employees were required to file financial disclosure statements for calendar year 2021. By the deadline of April 29, 2022, there was a timely compliance rate of 82%. Given that the list of public officials and employees subject to the financial disclosure requirement is continuously being updated, as described above, and because financial disclosure statements are being filed past the deadline, the compliance rate is continuously changing and ultimately reached 99.61% in July 2022 for the 2021 filing year.

ONLINE FILING STATISTICS

| To Date | 2011 FDS | 2012 FDS | 2013 FDS | 2014 FDS | 2015 FDS | 2016 FDS | 2017 FDS | 2018 FDS | 2019 FDS | 2020 FDS | 2021 FDS |
|---------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Total Number of Statements Filed | 3,996 | 3,881 | 4,085 | 4,242 | 4,418 | 4,175 | 4,558 | 4,411 | 4,427 | 4,381 | 4,658 |
| Number of Statements Filed Online | 2,280 | 2,572 | 2,788 | 3,136 | 3,480 | 3,420 | 3,836 | 3,773 | 3,944 | 3,913 | 4,188 |
| Percentage of Statements Filed Online | 57% | 66% | 68% | 74% | 79% | 82% | 84% | 86% | 89% | 89% | 90% |
| Compliance Rate | 90% | 94% | 94% | 96% | 95% | 94% | 96% | 95% | 95% | 95% | 95% |

V. INVESTIGATIONS AND ENFORCEMENT

THE COMPLAINT PROCESS

The Ethics Commission is constitutionally and statutorily empowered to enforce the Code of Ethics. R.I. Const. art. III, sec. 8; R.I. Gen. Laws §§ 36-14-12 to -14. The Commission's enforcement powers include the authority to accept or initiate complaints alleging Code violations, investigate and adjudicate those complaints, and impose civil penalties.

Filing a Complaint

Prior to filing a complaint, potential complainants are encouraged to contact the Commission by telephone to speak with a member of the Investigative staff during Commission business hours. Those contemplating filing a complaint

may also arrange to come in during office hours to discuss with Investigative staff the procedure, the substance of a potential complaint, or any other questions they might have before actually filing a complaint. While those considering filing a complaint are encouraged to contact Commission staff first, it is not mandatory to do so prior to the actual filing of a complaint. Complaints must be filed on a proper complaint form, available at the Commission's office, allege conduct that is prohibited by the Code of Ethics, and be signed and notarized.

Within three (3) working days of receiving a complaint, the Executive Director will either accept it for filing or reject it based on jurisdictional, statutory, or regulatory defects. In the event that a complaint is accepted for filing, the Commission mails copies of the complaint, notification of receipt of complaint, and the Code of Ethics to the complainant and to the respondent. The Commission thereafter sends timely notices of subsequent Commission actions to the complainant and respondent as required by the Code. All complaints are public records after being accepted for filing.

Limitations Period on Filing of Complaint

“Any Complaint shall be filed with the Ethics Commission no later than six (6) years from the date of the alleged violation of the Rhode Island Code of Ethics.” Commission Regulation 520-RICR-00-00-3.1 Limitations Period on Filing of Complaint (1001.1).

Initial Determination

At this first stage of review, the Commission determines whether the complaint properly alleges facts, that, if true, are sufficient to constitute a violation of the law. Meeting during a closed executive session, the Commission decides either to dismiss the complaint or to initiate an investigation. The decision to investigate does not address the validity of the complaint; rather, it merely indicates that the allegations properly fall under the provisions of the Code of Ethics. Neither the complainant nor the respondent participates in the Initial Determination.

Informal Resolution & Settlement

At any time, subsequent to the Initial Determination of a complaint, the Prosecution and the respondent may seek an informal disposition through an agreed-upon settlement, consent order, or other informal resolution of the pending complaint. This may entail an informal conference between the parties

in an effort to reach an agreeable disposition. The information learned during an informal conference shall not be used as evidence in any subsequent proceeding. Any informal disposition of a pending complaint shall be subject to the approval of the Commission during a closed executive session. Once approved by the Commission, the Informal Resolution & Settlement Agreement and any Orders issued regarding the complaint become public documents.

Investigation

The investigation may involve the gathering of documentary evidence as well as oral and written statements taken under oath or affirmation. The Commission may also issue subpoenas to compel the production of evidence or the sworn testimony of witnesses. The time for investigation is limited to 180 days after the complaint is filed, unless the Commission approves an extension for good cause, with a maximum of two such 60-day extensions. All pleadings and orders relating to the investigative phase become public after a probable cause hearing.

Probable Cause Hearing

The purpose of a probable cause hearing is to determine whether sufficient evidence exists to support that a violation of the Code has been or is being committed. An Investigative Report is prepared by the Prosecution prior to a probable cause hearing. The respondent is mailed a copy of the Investigative Report at least 14 days prior to a scheduled hearing. The probable cause hearing is held during a closed executive session, but the respondent and/or the respondent's counsel may be present. At the hearing, the Prosecution presents the results of the investigation. The Commission reviews the Investigative Report of the Prosecution as well as any response or other written information submitted by the respondent. The Commission may then vote to dismiss the complaint for lack of evidence, find that probable cause exists to support the allegations, and/or amend the complaint if the investigation reveals that probable cause exists to believe that other violations of the Code of Ethics have occurred. The Investigative Report becomes a public record after the completion of a probable cause hearing unless the Commission dismisses the complaint for lack of probable cause. If the Commission dismisses the complaint, it must prepare and issue a public, written Decision and Order explaining the basis for the dismissal. Under such circumstances, the Investigative Report becomes public upon the issuance of the Decision and Order. All pleadings and Commission orders filed after a probable cause hearing are immediately public.

Adjudicative Hearing

If the Commission finds that probable cause exists to support the allegations, an adjudicative hearing is scheduled, providing at least 15 days prior notice to the respondent. This is an adversarial hearing. Pursuant to Commission Regulations, the Prosecutor and the respondent may conduct discovery, present evidence and examine witnesses. Additionally, Commissioners may also question witnesses. All procedures are governed by the rules of evidence and the principles of due process. The Prosecutor must prove by a preponderance of the evidence that the respondent committed a knowing and willful violation of the Code. A stenographic record is kept, and the hearing is conducted during an open and public session.

Final Disposition

Following adjudicative matters, the Commission may meet in closed session, whenever deliberations are in order, to deliberate and determine whether there has been a knowing and willful violation of the Code of Ethics. Upon a finding of a violation, the Commission may: (a) issue a cease and desist order; (b) require the respondent to file any statement mandated by the Ethics Code; (c) impose a civil fine of up to \$25,000 per violation and the return of any unjust enrichment; (d) refer the entire record of its proceedings to the attorney general; and/or (f) for more egregious violations, remove from office any official not subject to impeachment.

Judicial Review

All final orders of the Commission are subject to review by the Rhode Island Superior and Supreme Courts pursuant to the Administrative Procedures Act. R.I. Gen. Laws § 36-14-15 and Commission Regulation 520-RICR-00-00-3.29 Judicial Review (1022).

Whistleblower Protection

Complainants and witnesses have rights under the Rhode Island Whistleblower Act (R.I. Gen. Laws §§ 28-50-1 to -9) and may also bring a civil action in Superior Court within three years after being threatened or intimidated in any proceeding before the Ethics Commission.

Frivolous Complaints

The Code of Ethics provides that “no person shall knowingly and willfully make a false or frivolous complaint under this chapter.” R.I. Gen. Laws § 36-14-5(k).

PENDING COMPLAINTS AND ENFORCEMENT ACTIONS

The Commission prosecutes two types of complaints: conflict of interest complaints for alleged substantive violations of the Code of Ethics and non-filing complaints for the failure to timely file financial disclosure statements.

Conflict of Interest Complaints

As FY2022 began, there were three (3) outstanding conflict of interest complaints pending before the Ethics Commission. During FY2022, seven (7) conflict of interest complaints were filed. The Commission issued final orders in six (6) cases during FY2022:

- 3 cases were settled with the imposition of civil penalties totaling \$8,250, all of which were collected;
- 2 cases were dismissed with Findings of No Probable Cause; and
- 1 case was dismissed at Initial Determination.

At the close of FY2022, there were four (4) conflict of interest complaints pending.

Non-Filing Complaints

At the start of FY2022, there were no outstanding non-filing complaints. During FY2022, three (3) non-filing complaints were filed against persons subject to the financial disclosure mandate for their failure to timely file financial disclosure statements for calendar year 2020. One of the complaints was adjudicated with the imposition of a civil penalty of \$1,500; one was settled with the imposition of civil penalty in the amount of \$100, which was collected in full; and one was voluntarily dismissed.

At the close of FY2022, there were no non-filing complaints outstanding.

COLLECTION OF OUTSTANDING CIVIL PENALTIES

Civil penalties imposed by the Ethics Commission are paid to the state's general fund. Most respondents pay the civil penalty imposed by the Commission shortly after the penalty is imposed. If payment in full cannot be made immediately, the Commission will frequently enter into payment agreements with respondents to collect the outstanding balance over time.

The collection of delinquent debts for fines imposed by the Commission is forwarded to the Central Collection Unit (CCU) within the Rhode Island Department of Revenue (DOR). The CCU was established in 2018 by the

Rhode Island General Assembly by R.I. Gen. Laws § 42-142-8 to assist various state agencies in the collection of statutory designated debts owed to the state. Thereafter, the DOR established a pilot program through which participating agencies refer delinquent cases to the CCU for collection of the debt owed. The Commission was one of the first agencies to participate in the pilot program.

In FY2022, the Commission collected the total amount of \$4,577.29 toward outstanding balances from prior fiscal years as follows:

- Payments directly from respondents totaling \$3,251.00;
- Collections by the CCU totaling \$1,326.29.

TOTAL AMOUNT OF CIVIL PENALTIES COLLECTED IN FY2022

The total amount of civil penalties collected in FY2022, either directly from respondents or by the CCU, is \$12,927.29.

PRELIMINARY INVESTIGATIONS

Preliminary investigations may be initiated upon a determination by the Executive Director that information provided to or in the possession of the Commission and/or Commission staff establishes a reasonable basis to believe that a state or municipal official or employee has violated the Code. Commission Regulation 520-RICR-00-00-3.4 Preliminary Investigations (36-14-12001). The Executive Director is required to notify the Commission whenever such an investigation is initiated. All materials relating to the investigation shall remain confidential, except that access may be granted to any federal, state, or municipal law enforcement agency, or disclosed in a complaint, or after a finding of probable cause, in accordance with R.I. Gen. Laws § 36-14-12(c)(4). Following the Preliminary Investigation, the Executive Director may choose to file a formal complaint beginning an enforcement action.

The Executive Director initiated one Preliminary Investigation in FY2022, PI No. 2022-1. This Preliminary Investigation was closed and its allegations administratively consolidated with the investigation of **In re: Carlos E. Tobon**, Complaint No. 2022-3, which was filed by a member of the public.

VI. TECHNOLOGICAL ADVANCES

Online Training

In September of 2021, the Commission announced the unveiling of a new online training program entitled “Introduction to the Rhode Island Ethics Commission and the Rhode Island Code of Ethics” which was developed by the Commission’s Education Coordinator. The online training is available through the Rhode Island Learning Center and is intended to provide participants with a working knowledge of the Code of Ethics. The online training consists of seven PowerPoint modules, each 7-10 minutes in length. They can be taken in any order and need not be taken in one sitting. The entire course was designed to be completed in about an hour. After the completion of each module, the participant will be asked to answer three multiple choice questions specific to the material covered in that module. This is a great way to gauge what the participant has learned.

The modules include:

- Module 1: Introduction;
- Module 2: Conflict of Interest and Recusal;
- Module 3: Nepotism;
- Module 4: Guide to Prohibited Activities, Part 1;
- Module 5: Guide to Prohibited Activities, Part 2;
- Module 6: Advisory Opinions and Complaints; and
- Module 7: Financial Disclosure.

Online training is not intended to replace in-person training but is offered as a convenient supplement or when immediate access to information is needed.

Additional information regarding ethics trainings and education materials can be found on the Commission’s website at <https://ethics.ri.gov/>.

Commission Website Upgrade

In FY2022, the Commission launched its new and updated website. The Commission’s new website is ADA compliant, has the capability to be translated into multiple languages, and is more user-friendly than the previous website.

Telephone System Upgrade

In FY2022, the Commission staff's telephone numbers were changed consistent with a state-wide initiative. However, the Commission offices' main telephone and fax lines remained unchanged, 401-222-3790 and 401-222-3382, respectively. The Commission's obsolete telephone and fax equipment was also upgraded.

VII. PUBLIC RECORDS

The Rhode Island Ethics Commission is a public agency, subject to the requirements of the Access to Public Records Act (APRA). R.I. Gen. Laws §§ 38-2-1 to -15. All persons are welcome to inspect public records during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, except on state holidays.

Copies of public records may be obtained in person at the Commission offices at 40 Fountain Street, Providence, Rhode Island 02903; requested via email at ethics.email@ethics.ri.gov; by calling the Commission at (401) 222-3790, Ext. 0 (voice/TT); via Rhode Island Relay, a telecommunications service for persons with hearing or speech disabilities, at 711; or via US mail at: Rhode Island Ethics Commission, ATTN: Public Records Unit, 40 Fountain Street, Providence, Rhode Island 02903. A fee of \$0.15 per page may be charged for copies; however, many records may be provided free of charge via email.

PUBLIC RECORDS REQUEST GUIDELINES & PROCEDURES

The Commission's Public Records Request Guidelines and an accompanying Public Records Request Form can both be found on the Commission's website at <https://ethics.ri.gov/> by pressing the link entitled "Public Record Requests" located under "Commission Resources" toward the bottom of the page and at the Commission offices.

Most public records requests result from a phone call or email communication with a Commission staff member. A written request is not required to inspect Commission public records. However, a person may be asked to submit a written request where it involves: search and retrieval; multiple categories of records; voluminous documents; redaction; documents in storage; or other such circumstance. A copy of the Commission's Public Records Request Form may be completed or a request may otherwise be submitted in writing. The APRA allows a public body ten (10) business days to respond to a request, which can be extended an additional twenty (20) business days for "good cause."

Commission staff members are trained in APRA procedures and work together to promptly respond to requests for public records. Public records requests are primarily completed by administrative staff, but investigators and staff attorneys will also complete requests. Staff attorneys assist all other staff members in complying with the statutory requirements of the APRA.

PUBLIC RECORDS REQUEST STATISTICS

During FY2022, the Commission received seventy-two (72) public records requests, all of which were fulfilled within ten (10) business days with 99% of which were fulfilled within one (1) business day. The most frequently requested types of public records were Financial Disclosure Statements, followed by Complaint materials, Advisory Opinion materials, and Recusals.

PUBLIC RECORDS AVAILABLE ON THE WEBSITE

The public can access the following types of public records on the Commission's website at <https://ethics.ri.gov/>:

- The full text of all individual advisory opinions from 1995 to the present;
- Decisions & Orders following adjudications and Settlements & Orders issued by the Commission regarding complaint matters from 1998 to the present;
- The entire Code of Ethics in Government;
- Commission meeting schedules and agendas;
- Open session minutes from 2007 to the present;
- Updated educational materials;
- Downloadable forms;
- The most recent annual report; and
- Financial Disclosure Statement filed with the Commission for 2017 to present.

PUBLIC RECORDS NOT AVAILABLE ON THE WEBSITE

Commission records not available on the website can be easily requested by contacting the Commission in person, by phone, or email. Many documents can be promptly provided to the requester via email, free of charge. Additionally, all of the public records available on the Commission's website are also available at the Commission offices for anyone who prefers to contact the Commission directly.

Financial Disclosure Statements

Financial disclosure statements are the most commonly requested public records at the Commission. All financial disclosure statements filed since 2005 have been scanned and can be quickly provided to the public via email and free of charge. Records dating prior to 2005 are held at an off-site storage facility but can be ordered and provided to the public within a few business days. Also, financial disclosure statements filed for calendar year 2017 and thereafter can be accessed free of charge through the Commission's new public access tool on the Commission's website at <https://ethics.ri.gov/>.

Records within the Public Complaint File

Complaints are public records from the date they are accepted for filing. Other public records relating to a complaint include: any written response filed by the respondent, all orders issued by the Commission, notices of meetings and hearings, any motions filed, and a docket of Commission actions. The investigative report and all pleadings and Commission orders relating to the investigative phase become public records after a probable cause hearing or dismissal. All pleadings and Commission orders filed after a probable cause hearing are public records.

All Other Commission Public Records

The Commission maintains many other public records which may not be on the website but are still available to the public after making a request in person or by email, phone, or fax. These public records include, but are not limited to: advisory opinions; advisory opinion request letters; minutes of open session meetings; recusal statements; correspondence; regulations and much more.

VIII. PUBLIC ACCESS

INTRODUCTION

The Rhode Island Ethics Commission is a public agency, subject to the requirements of the Open Meetings Act (R.I. Gen. Laws §§ 42-46-1 to -14); the Access to Public Records Act (R.I. Gen. Laws §§ 38-2-1 to -15); the Administrative Procedures Act (R.I. Gen. Laws §§ 42-35-1 to -18); and the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213).

OPEN MEETINGS

The public is welcome to attend all open meetings. Advisory opinion requests, declaratory rulings, adjudicative hearings, public hearings on proposed regulations, and staff and committee reports are conducted during open meetings. However, initial determination reviews, informal resolution and settlement reviews and probable cause hearings are conducted during executive sessions, which are closed to the public. Notices of all meetings are posted at the State House, at the Commission offices, on the Commission's website and with the Rhode Island Secretary of State.

WEBSITE

The Commission's website is located at <https://ethics.ri.gov/>. It contains basic information about the Commission's history and powers, its members, the Code of Ethics, advisory opinions, education, investigations, and financial disclosure. A search page allows users to search the entire website. The website also provides staff contact information. Meeting materials including the agenda and draft advisory opinions are available on the website prior to each meeting, and following each meeting a written report out of any actions taken during executive session is posted.

FORMS

All Ethics Commission forms are available at the Commission offices. Additionally, PDFs of the recusal form, financial disclosure statement and the Public Records Request Form may be downloaded from the Commission's website.

EDUCATIONAL MATERIALS

All educational materials are available to the public. Materials include the Code of Ethics, summaries of advisory opinions, brochures explaining Commission procedures, and Annual Reports.

ACCESS FOR PERSONS WITH DISABILITIES

The Ethics Commission has a strong commitment to ensuring and improving access for persons with disabilities. Reasonable accommodations are made to afford public officials and the general public access to the Commission's meetings and documents. Any person requesting a reasonable accommodation because of a disability may contact the Commission's A.D.A. coordinator by calling the Commission during regular business hours or writing to its office address.

RHODE ISLAND GOVERNMENT OWNER’S MANUAL

Information about the Ethics Commission is also listed in the Rhode Island Government Owner’s Manual, which is published annually by the Rhode Island Office of the Secretary of State.

IX. STATUTORY, REGULATORY AND POLICY CHANGES

INTRODUCTION

The Rhode Island Constitution empowers the Commission to “adopt a code of ethics.” R.I. Const. art. III, sec. 8. Statutory provisions authorize the Commission to prescribe and publish, after notice and public hearings, rules, and regulations to carry out the provisions of R.I. Gen. Laws §§ 36-14-1 to -21. The Commission’s authority to enact a code of ethics is concurrent with that of the General Assembly. Due to this concurrent authority of the Commission and the General Assembly in the area of ethics, the Code contains both regulations adopted by the Commission and statutes passed by the General Assembly. Accordingly, changes in the Code may come from either body.

CURRENT VERSION OF THE CODE OF ETHICS

In May 2018, the Ethics Commission codified the Code of Ethics into the Rhode Island Code of Regulations (RICR), an online, uniform code of all proposed and final regulations filed by state agencies, boards, and commissions under the state’s Administrative Procedures Act.¹² As a result, the regulatory provisions of the Code of Ethics were renumbered in accordance with the new uniform format. In order to minimize any inconvenience and to assure a smooth transition, the Commission preserved the “old” regulation numbers in parenthesis within the title of each regulation.

Due to the fact that the Code of Ethics is comprised of statutory and regulatory provisions, the complete Code of Ethics cannot be found solely within either the Rhode Island Code of Regulations (RICR) or the Rhode Island General Laws. Instead, the Commission publishes a complete Code of Ethics, with regulatory and statutory provisions combined, on its website at <https://ethics.ri.gov/> and in hard copy available at the Ethics Commission’s office at 40 Fountain Street,

¹² RICR can be found at <http://sos.ri.gov/divisions/Open-Government/State/rules-and-regulations>.

8th Floor, Providence, Rhode Island 02903. New copies of the Code are printed after there has been a statutory or regulatory change.

CHANGES TO THE CODE OF ETHICS IN FY2022

There were no changes made to the Code of Ethics in FY2022.

GENERAL COMMISSION ADVISORY OPINIONS IN FY2022

General Commission Advisory (GCA) Opinions are intended to provide the public with a general overview of the Commission's interpretation of specific subject areas with examples and a list of previously issued relevant advisory opinions. The GCAs issued from 2009 to the present are available on the Commission's website or by contacting the Commission directly and making an APRA request. The Commission did not adopt any GCAs in FY2022.

X. LITIGATION

All final orders of the Ethics Commission in contested cases may be appealed to the Rhode Island Superior Court, pursuant to the Administrative Procedures Act, R.I. Gen. Laws § 42-35-15. Parties may also petition the Rhode Island Supreme Court for review. The Commission may initiate District Court actions to collect unpaid fines and may initiate Superior Court actions where judicial intervention is necessary to enforce the orders of the Ethics Commission.

LITIGATION IN FY2022

There were no litigations in FY2022.

XI. DECLARATORY RULINGS

The Ethics Commission, under Commission Regulation 520-RICR-00-00-2.8 Declaratory Ruling by Commission (1025), accepts petitions from any interested person seeking a "declaratory ruling" clarifying the applicability of the Code of Ethics. Such rulings have the same status as Commission orders in contested cases and may be challenged in Superior Court.

All declaratory rulings are public records. Declaratory rulings are issued in open session following a public hearing. Notices of all hearings and open meetings are posted and the public may attend.

The Commission received no requests for declaratory rulings in FY2022.

XII. AFFILIATIONS

The Commission is a longstanding member of the Council on Governmental Ethics Laws (COGEL), the preeminent international organization of agencies responsible for the administration and enforcement of government ethics laws.¹³ The Commission's Executive Director, Jason Gramitt, formerly served as COGEL's President and as a member of its Steering Committee.

¹³ <https://www.cogel.org/page/History>.