



PROVIDENCE ETHICS COMMISSION

Susann G. Mark
Chair

Daniel E. Chaika
Vice-Chair

Jose Batista
Vanessa Crum
Ethan Gyles
Elsa Dure
M. Zachary Mezera

Kathryn M. Sabatini
Municipal Integrity Officer

October 8, 2015

The Honorable Luis A. Aponte
Council President
Providence City Council
City Hall
25 Dorrance Street
Room 310
Providence, RI 02903

Dear Council President Aponte:

Enclosed, please find a regulation pertaining to the Providence Ethics Commission's advisory opinion process for the City Council's consideration, approved by the Commission during its October 7, 2015 meeting.

Pursuant to Section 17-33(i)(2)(a) of the Code of Ordinances, the Providence Ethics Commission has the authority to render advisory opinions to employees or officials seeking guidance as to the application of the City's code of ethics to a particular set of facts. The Commission seeks to adopt the enclosed regulation to establish clear procedures for employees and officials to request advisory opinions and for the Commission to render same. In accordance with Section 17-33(i)(2)(e), the Commission sought the advice of the City Solicitor in drafting this regulation and now seeks the Council's consent to promulgate it.

Thank you again for your leadership on these important issues.

Very truly yours,

A handwritten signature in cursive script that reads "Susann G. Mark".

Susann G. Mark
Chair, Providence Ethics Commission

CITY OF PROVIDENCE, RHODE ISLAND

IN CITY COUNCIL

JAN 21 2016

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED AND APPROVED
A handwritten signature in cursive script, likely of the City Clerk.
CLERK



PROVIDENCE ETHICS COMMISSION

Regulation 2016-1 - Advisory Opinions.

- (a) A person subject to the Providence Code of Ethics may request an advisory opinion relative to the provisions of the Code which may affect him or her. 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 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 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 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 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.