OPTION A

Status Quo -- Regulation 1011 as Currently Written

Regulation 1011 - Informal Disposition

(a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.

(b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.

(c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-5(a)(4). The approved informal disposition of the Complaint shall become a public record.

(d) If the Complaint at issue has been filed by a Complainant, he or she shall be sent a copy of the proposed informal disposition and may attend the hearing scheduled to be held by the Commission to review said disposition.

OPTION B

Complainant Receives Notice of Settlement Only

Regulation 1011 - Informal Disposition

(a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.

(b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.

(c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-5(a)(4). The approved informal disposition of the Complaint shall become a public record.

(d) If the Complaint at issue has been filed by a Complainant, he or she shall be ~~sent a copy of the proposed informal disposition and may attend the hearing scheduled to be held by the Commission to review said disposition.~~ notified of the date upon which the Commission will consider the proposed informal disposition, shall be notified of any actions taken by the Commission regarding said informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

Staff Explanation of Amendment: This amendment would eliminate the requirement that the Complainant be sent a copy of any proposed informal disposition prior to the Commission's approval of said disposition, and would remove the Complainant's right to attend the executive session hearing at which the Commission considers an informal disposition.

OPTION C

Complainant Receives Notice of Settlement and is Invited to Attend Settlement Hearing, but is not Given Copy of Settlement Prior to Hearing

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Regulation 1011 - Informal Disposition

(a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.

(b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.

(c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-5(a)(4). The approved informal disposition of the Complaint shall become a public record.

(d) If the Complaint at issue has been filed by a Complainant, he or she ~~shall be sent a copy of the proposed informal disposition and~~ may attend the hearing scheduled to be held by the Commission to review said disposition, shall be notified of any actions taken by the Commission regarding said informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

Staff Explanation of Amendment: This amendment would eliminate the requirement that the Complainant be sent a copy of any proposed informal disposition prior to the Commission's approval of said disposition, but would preserve the Complainant's right to attend the executive session hearing at which the Commission considers an informal disposition.

OPTION D

Complainant Receives Copy of Settlement Prior to Hearing, But May Not Attend Settlement Hearing

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Regulation 1011 - Informal Disposition

(a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.

(b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.

(c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-5(a)(4). The approved informal disposition of the Complaint shall become a public record.

(d) If the Complaint at issue has been filed by a Complainant, he or she shall be sent a copy of the proposed informal disposition, ~~and may attend the hearing scheduled to be held by the Commission to review said disposition.~~ shall be notified of the date upon which the Commission will consider the proposed informal disposition, shall be notified of any actions taken by the Commission regarding said informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

Staff Explanation of Amendment: This amendment would preserve the requirement that the Complainant be sent a copy of any proposed informal disposition, but would eliminate the Complainant's right to attend the executive session hearing at which the Commission considers an informal disposition.