

Welcome!

INTRODUCTION TO THE

RHODE ISLAND

ETHICS COMMISSION

AND THE

RHODE ISLAND CODE OF ETHICS

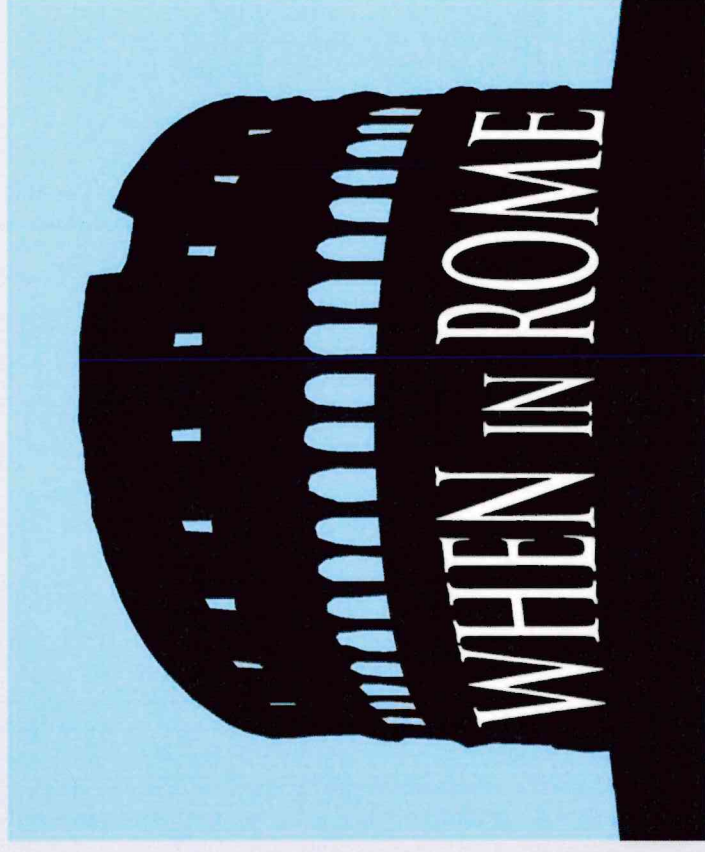
Article III, Section 7- Ethical conduct.

“The people of the State of Rhode Island believe that public officials and employees must 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.”

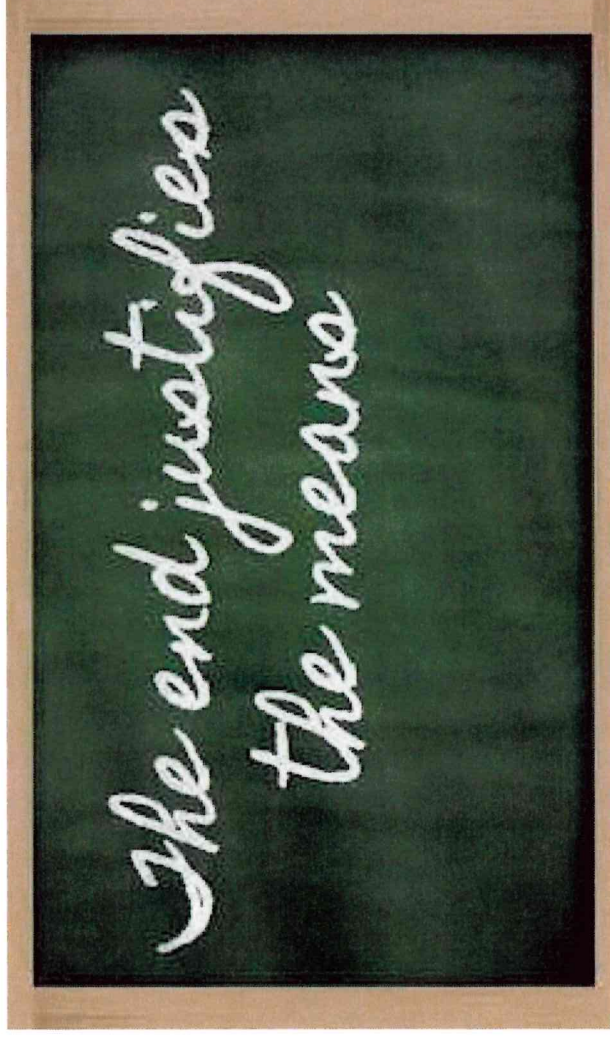


Ethics based on CULTURE

Many people think that whether something is "ethical" depends on the setting in which it occurs, taking into account the local culture, habits, and customs.



Ethics based on CONSEQUENCES



Ethical or unethical conduct is determined by examining the outcome. Ethical conduct is behavior that produces more positive results than negative results, in quantity and quality.

Ethics based on CHARACTER


Ethical conduct is determined by asking: "What would a virtuous person do under the circumstances?" The focus is on one's character and motives.



The Code of Ethics tells us what actions to avoid, without regard to culture, consequence, or character.

Ethical or unethical conduct is determined NOT by looking at the results, but by looking at the conduct itself and judging its inherent rightness or wrongness.

Focus on your ACTION, not the result !!!



*Do the
right thing!*

(9) Members appointed by the Governor

■ Advisory ■ Investigative ■ Adjudicative ■ Removal

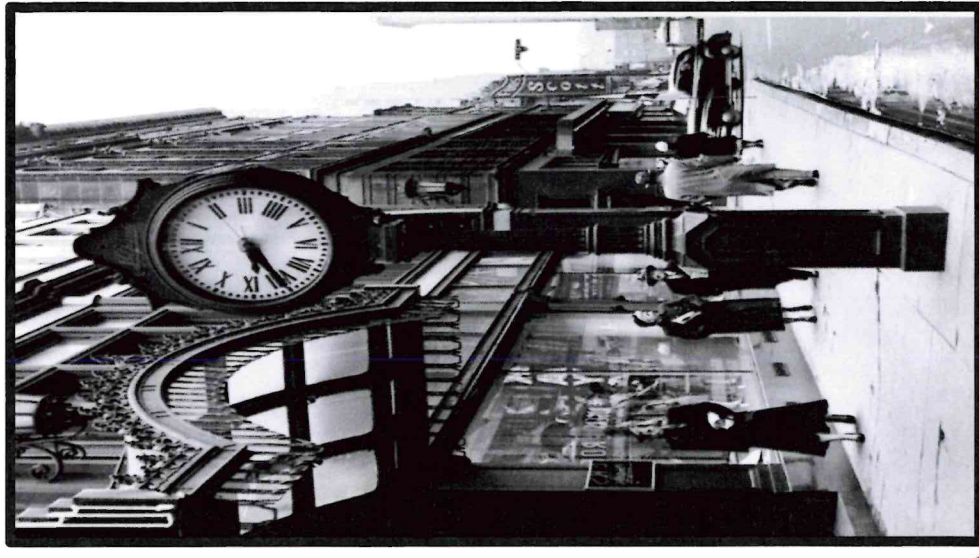
- ~~NO~~ holding or campaigning for public office,**
- ~~NO~~ holding office in any political party or on
any political committee, and**
- ~~NO~~ participating in or contributing to any
political campaign.**



State of Rhode Island
Ethics Commission

STAFF

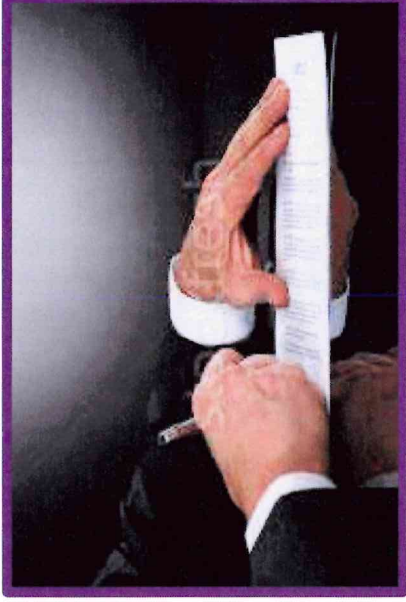
- Executive Director/Chief Prosecutor
- Senior Staff Attorney
- Education Coordinator/Staff Attorney
- Staff Attorneys (2)
- Investigators (3)
- Office Manager
- Financial Disclosure Officer
- Support Staff (2)



Who is subject to the Code of Ethics?

- (1) State and municipal elected officials;
- (2) State and municipal appointed officials; and
- (3) Employees of state and local government, and members of boards, commissions and agencies.





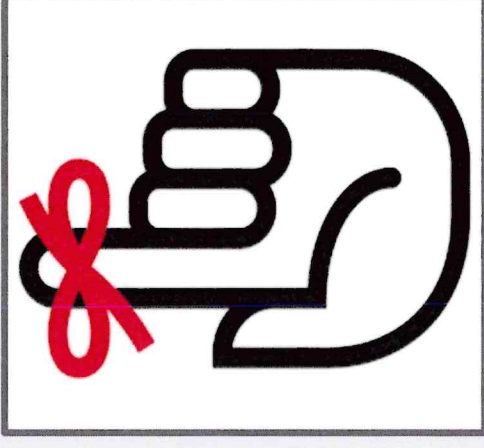
recusal

CONFLICT
OF INTEREST

A close-up photograph of a hand holding a blue marker. The hand is positioned as if about to write or has just finished writing. The marker is blue with a white cap. The background is white.

As a person subject to the Code of Ethics . . .

. . . you may **not** participate in any matter if it is **reasonably foreseeable** (*more than conceivable – less than certain*) that: **you**, any person within your **family**, your **business associate**, or any **business by which you are employed or which you represent**, will derive a **direct monetary gain** or suffer a **direct monetary loss** by reason of your official activity.



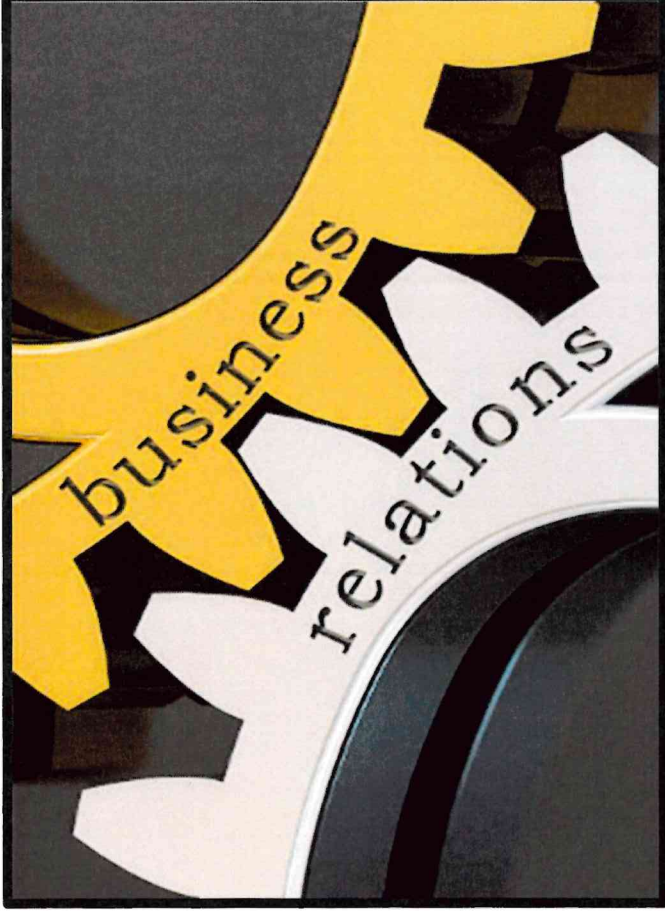
Business Associates
persons or entities with whom
you are joined to achieve a
common financial objective

EXAMPLES

- business partners
- people you have hired such as an attorney, accountant, realtor, contractor, etc.
- landlord/tenant
- any businesses or organizations, even if not-for-profit, for which you are an officer or serve on the board of directors, regardless of whether you are paid for your service



Ongoing Business Association



- parties conducting ongoing business transactions
- outstanding accounts
- anticipated future relationship

Family Members

Whether by blood, marriage, or adoption:

Spouse

Parents

Children

Siblings

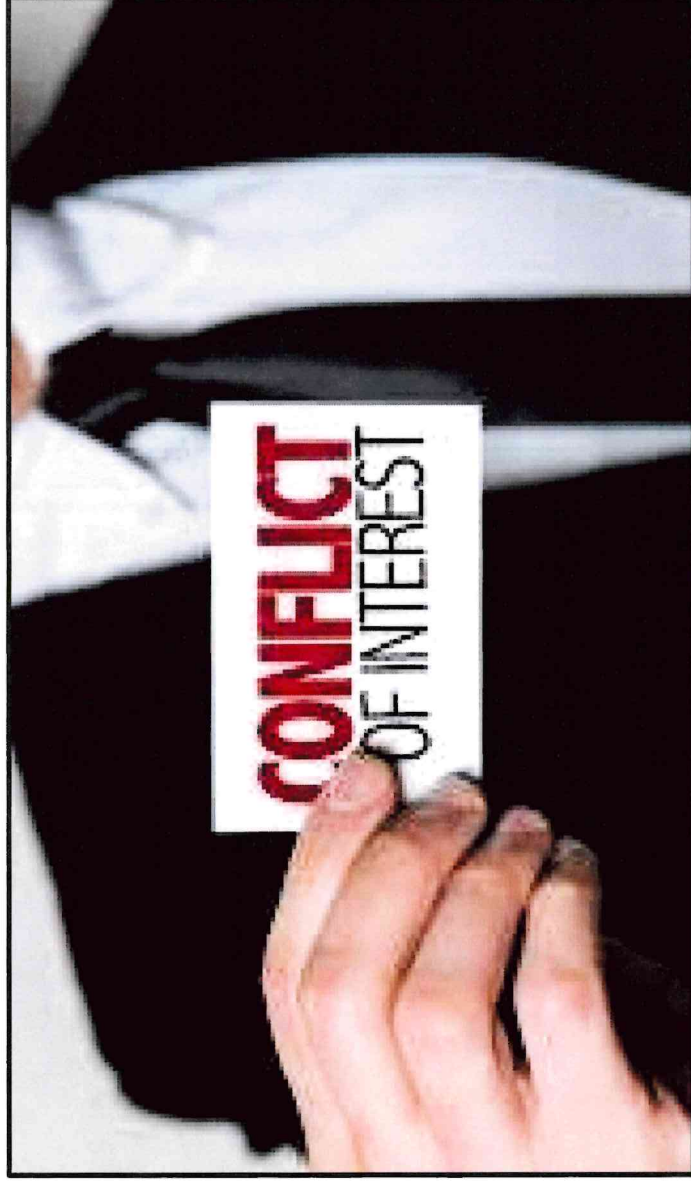
Grandparents / Grandchildren

Aunts / Uncles

Nieces / Nephews

First Cousins





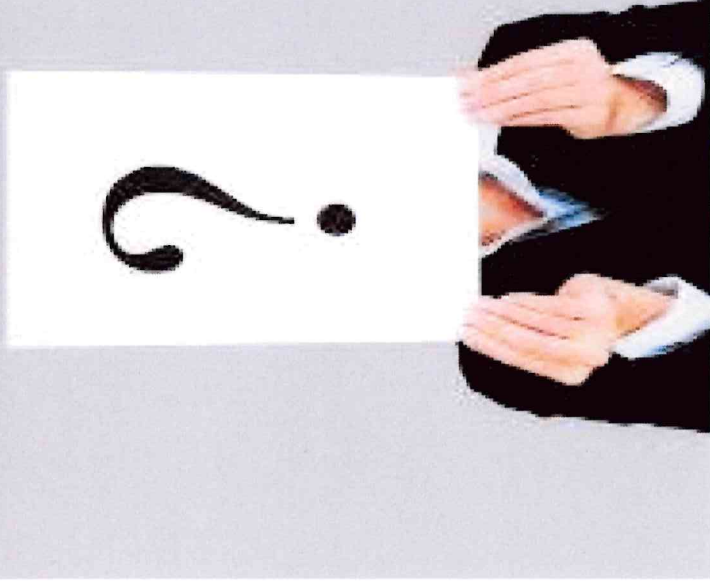
A conflict of interest is a situation in which a person's public duties and private life intersect.

It is not unethical to have a conflict of interest.

It does not violate the Code of Ethics to have a conflict of interest.

It is not the conflict that is the problem; rather, the potential problem is the failure to identify and manage the conflict.

**Do I have a conflict of interest? Ask yourself –
Is it “reasonably foreseeable” that . . .**



a decision that I am helping to make, as part of
my public duties, will result in a financial
benefit *or* detriment to:

Me;

My family/household member;

My business associate; *or*

A business by which I am employed?

Do I Have a
Conflict of
Interest?



Ask yourself:

Even if there is no financial impact, is a
family member, household member,
business associate, or business by
which I am employed a party to, or
participating in, the matter being discussed?

If the answer is
“Yes,” then you
have a conflict of
interest and **you**
must recuse from
any participation in
the matter.

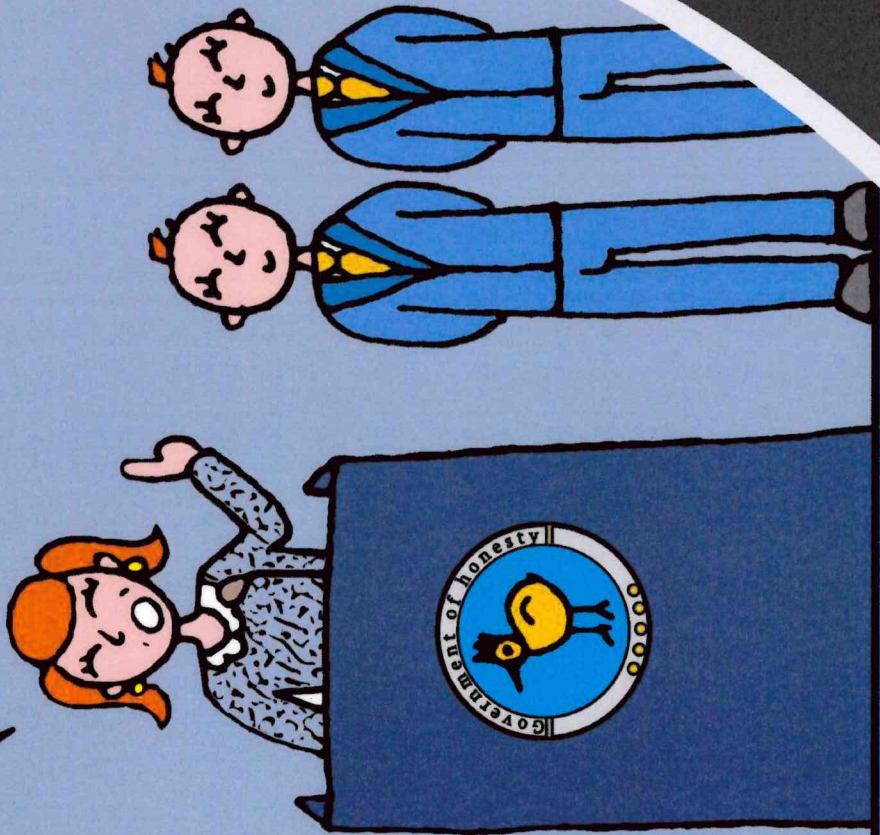
HOW TO RECUSE



1. Complete a *Statement of Conflict of Interest* form.
2. Present the original to your presiding officer, appointing authority, director, or immediate supervisor.
3. Send a copy to the Ethics Commission.

NEPOTISM

And if nepotism exists, my brothers will root it out!



As someone who is subject to the Code of Ethics . . .

You may not participate . . . in any matter as part of your public duties if there is reason to believe or expect that any person within your family or a household member . . .

- is a party or participant; *or*
- will derive a direct monetary gain; *or*
- will suffer a direct monetary loss; *or*
- will obtain an employment advantage.



The Code's prohibitions against nepotism apply regardless of whether, for example, a family or household member is objectively the most qualified candidate for a job or is deserving of a promotion.

The policy underlying the prohibitions against nepotism is premised on the recognition that it is difficult for any person to be truly objective when considering matters impacting family/household members and furthers the constitutionally founded goal of avoiding the appearance of impropriety.

Examples . . .

- hiring
- awarding of contract
- decision regarding property
- appointment to compensated position
- participation in disciplinary matter in which employment is at risk



ADVOCACY / SUPERVISION



**As someone who is
subject to the Code
of Ethics . . .**

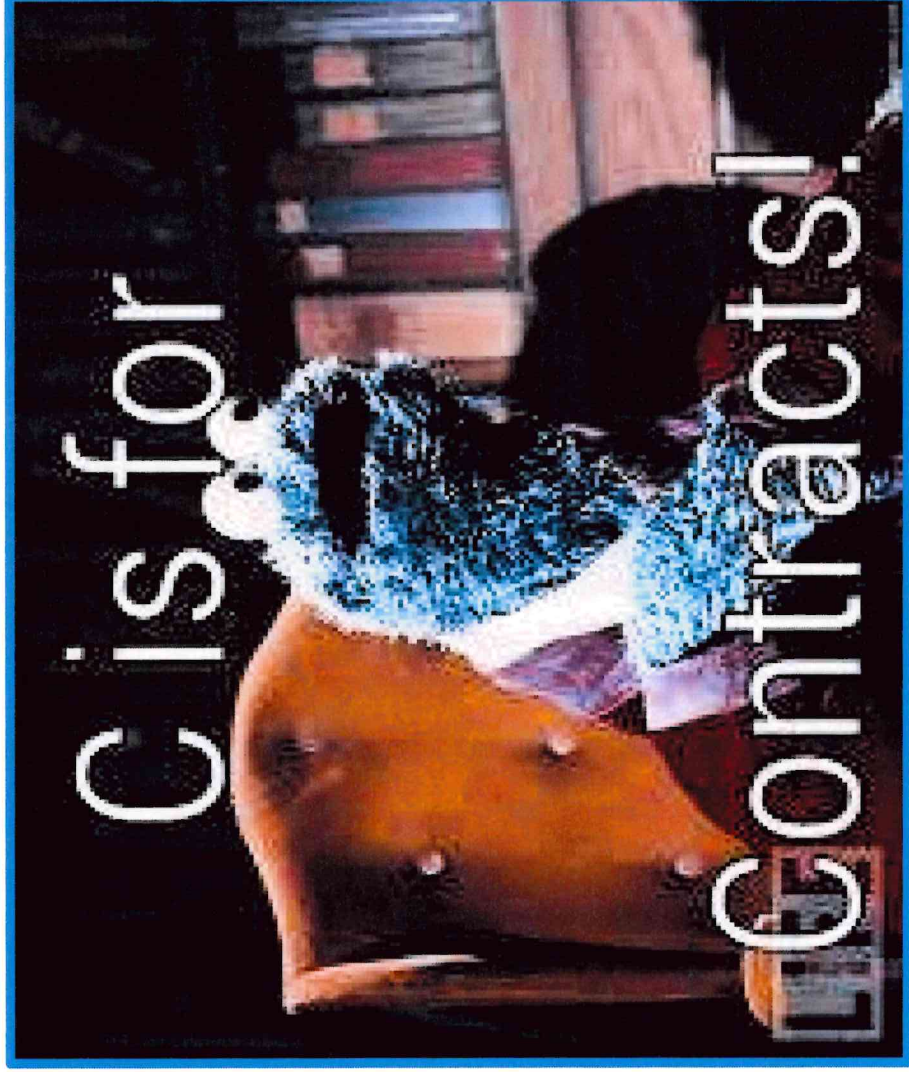
**You may not participate
in the supervision,
evaluation, appointment,
classification, promotion,
transfer, or discipline of
any person in your family
or household.**

**Nor may you delegate
any of those tasks to
your subordinate.**

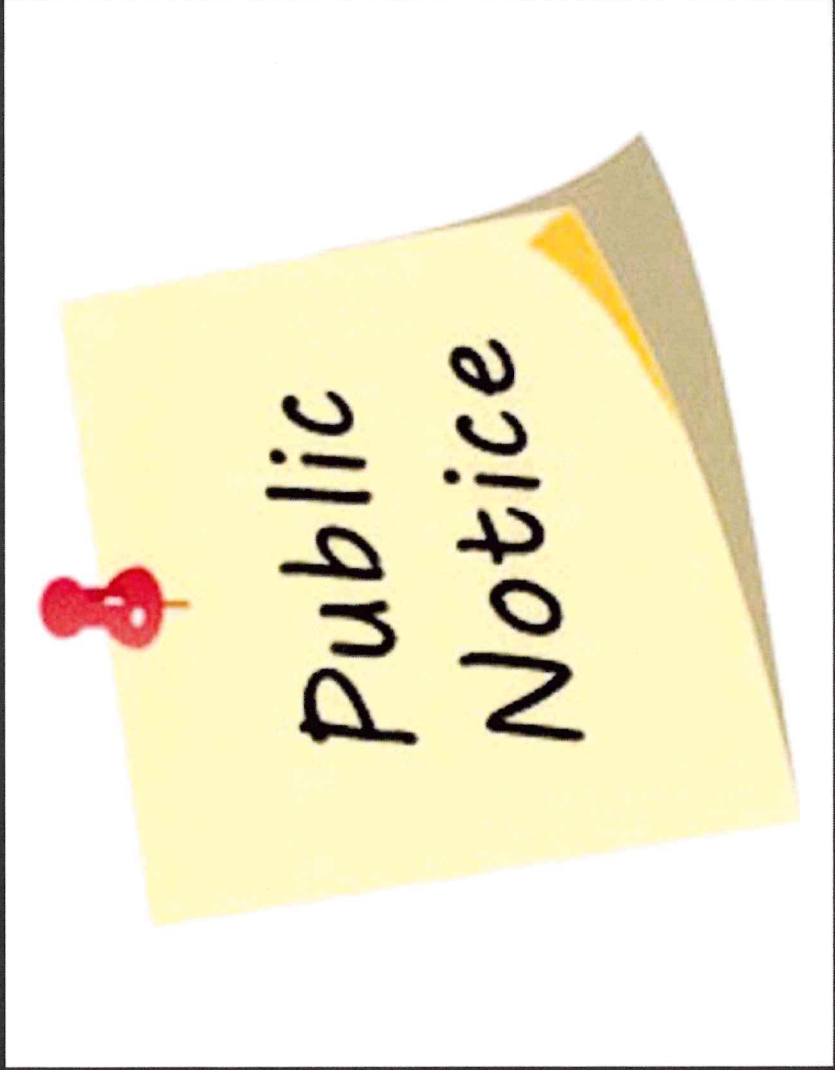
RECUSAL

However, if a public body is in executive session, a public official who has recused from participation due to a conflict of interest has no more right to be in the room than any other member of the general public.

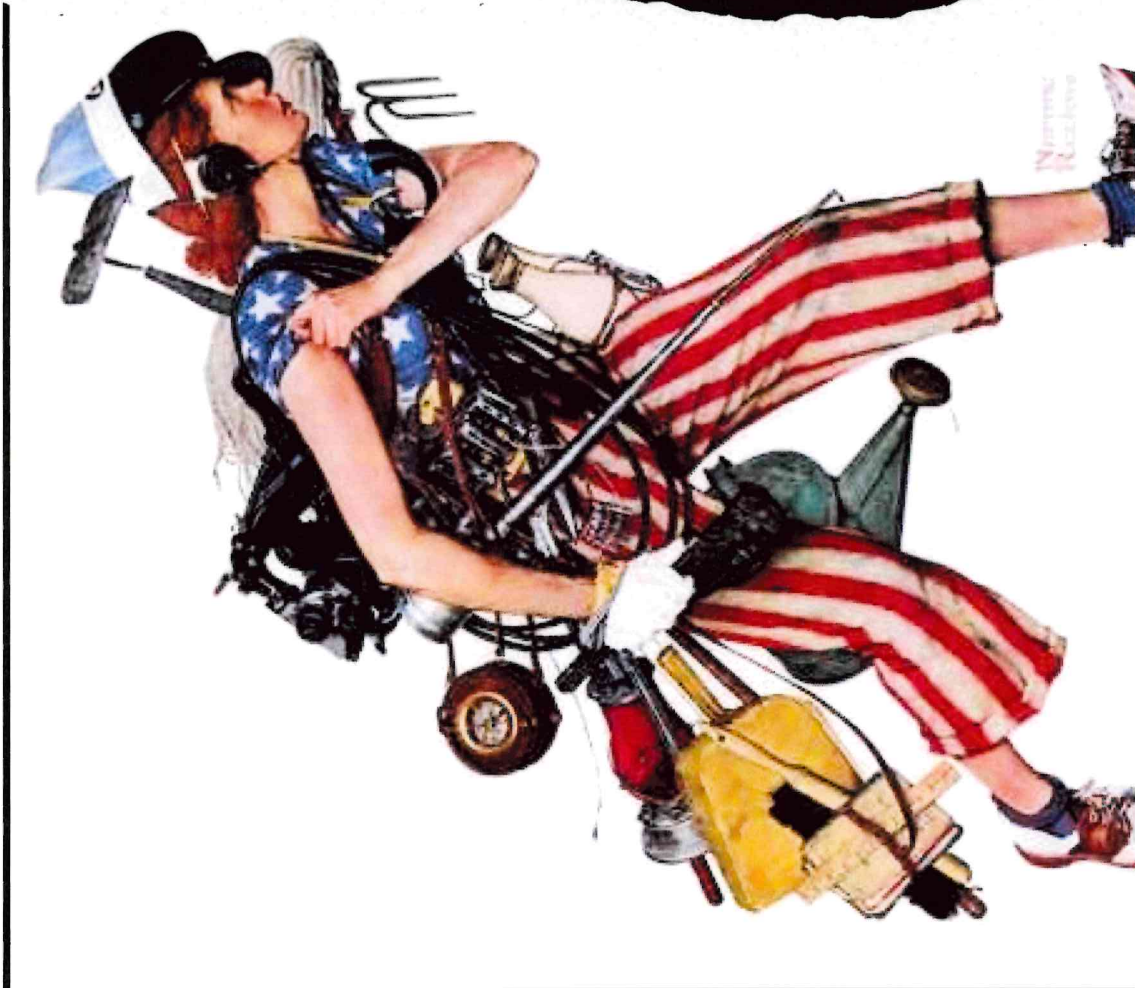
Recusal does not mean that a public official must **leave the room** if it is an open meeting, although it is **best practice** to do so.



**No person subject to
the Code of Ethics may
enter into any contract
with a state or
municipal agency
unless . . .**



. . . the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.



SECONDARY EMPLOYMENT

As a person who is subject to the
Code of Ethics . . .

you may not accept secondary
employment that impairs your
independence of judgment

or

requires or induces you to disclose
confidential government information.

Factors Considered

- ◆ nexus between public duties & private employment
- ◆ work must be completed outside normal work hours & without use of public resources
- ◆ official/employee may not appear before own agency
- ◆ work must be conducted outside of areas over which official/employee has decision-making jurisdiction
- ◆ official/employee may not use public position to solicit business or customers



Confidential Information

A person subject to the Code of Ethics shall not use or disclose, for financial gain*, confidential information acquired in the course of their official duties.

*self/family member/business associate/business by which employed

GIFTS

As someone who is subject to the Code of Ethics, if you participate in making decisions . . .

you may not accept cash or forgiveness of debt from an interested person.

An **"interested person"** has a direct financial interest in a decision that you make or participate in making.

Interested persons include employees or representatives of an individual, business, organization, or entity.

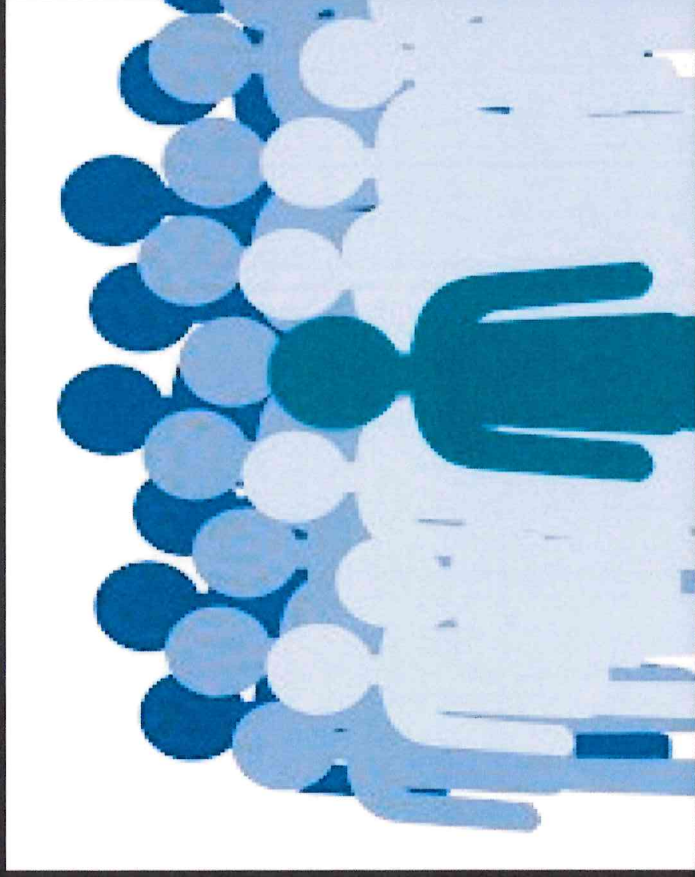


GIFTS



You may accept things of value up to and including **\$25 per instance** and **\$75 per year** from each interested person or single interested source.

Transactions with Subordinates



As someone who is subject to the Code of Ethics, you may not engage in a financial transaction, including:

- **private employment/consulting**
- **giving or receiving loans**
- **monetary/charitable contributions**

with an employee, contractor, or consultant over whom you exercise supervisory responsibilities.

Exceptions include . . .

- ◆ financial transactions in the normal course of a regular commercial business or occupation;
or
- ◆ if the subordinate initiates the financial transaction; *or*
- ◆ for charitable events that are sponsored by the highest official or governing body of the state or municipality.



REVOLVING DOOR

Purpose: To prevent government employees and public officials from unfairly profiting from, or otherwise trading upon, the contacts, associations, and special knowledge that they acquired during their tenure as public servants.



1
YEAR

No elected or appointed official may accept any appointment or election that requires approval by the body of which that official is or was a member, to any position which carries with it financial benefit.

This prohibition continues for one (1) year after the termination of that person's membership in or on such body.

The Ethics Commission may give its approval for a particular appointment or election, if satisfied that denial of such employment or position would create a substantial hardship for the body, board, or municipality.

No municipal elected official or school committee member, whether elected or appointed, while holding office and for a period of (1) year after leaving municipal office, shall seek or accept employment with any municipal agency in the municipality in which the official serves, other than employment which was held at the time of the official's election or appointment.



TOWN OF BRISTOL
BOARD CHAIRS & VICE CHAIRS
DUE PROCESS, OPEN MEETINGS ACT,
AND PARLIAMENTARY PROCEDURE

A.	DUE PROCESS	1.	Fairness
		2.	Procedural Due Process
			a. Notice (see OMA below)
			b. Opportunity To Be Heard
		3.	Substantive Due Process (see also Ethics Presentation)
B.	OPEN MEETINGS ACT	1.	Policy
		2.	Definitions
		3.	<i>Ex parte</i> communications (if not dealt with in Ethics Presentation)
		4.	Electronic Communications
		5.	Notice Requirements
		6.	Minutes
		7.	Executive Session
		8.	Adding Items to the Agenda
		9.	Penalties
C.	PARLIAMENTARY PROCEDURE	1.	Why Robert's Rules Of Order Generally Should Not Apply
		2.	Opening Statement Recommended
		3.	Courtesy

PRINT NAME

JUAN MARISCAL

Charlie Burke

Nelen C. Barbieri

M. Condou Jones

HERMAN MARIN

BOB MARTIN

Homeric S. Franco

Gregg Marsili

Eileen Dyer

Kevin Morant

Oryann Lima

Jay Maciel

Lou Mascala

Bernelia (Nina)

Alayne White

BRIAN MORRISSEDE

DONNA STANGELO

Ana Motta

Camille Teixeira

BOB FARIS

CRIMB / PYS ABR

BOARD

BCINA

Zoning - Vice Chair

Housing

BHA

N. B. G. C.

BCWA

HARBOR

Bristol Harbor

RFL Director

Rec Board & Police Pension

HDC

Conservation Commission

Bristol Fire

TAX

Chair 250 committee

Buildings APRA

BRISTOL HOUSING

Bristol 4th of July Committee

Bristol 4th of July

TAX ASSESSMENT REVIEW BD.

CONSERVATION COM.

PRINT NAME

BOARD

JOHN ALLEN

HDC

RAN PAYSAN

BCC

Tony Morettini

BCC

John McDonald

Harbor Comm.

Julie Header

Bristol Police

Tim Sweeney

TC

Marie Krepmen

Rogers Free Library

Myra Page

CAPITAL PROJECTS COMM.

Robert Page

Historic Com.

Ed Quini

N/E Brial Ground Comm.

DOUGLAS O'ROAK

EDWARD TANNER

DEPT. OF COMM. DEV.

Diane Williamson

Dept of Comm Dev.

Michele La Guardia

BOC

NATHAN CASARDO

Council

Melissa Cordell

Clerk

Tim Sweeney

Carla DaCosta

Deputy Clerk

Wayne A-Gabliush

Harbor Comm.