

September 9, 2025

Rhode Island Ethics Commission
40 Fountain Street, 8th Floor
Providence, RI 02903

RE: Comments regarding proposed amendments to 520-RICR-00-00-1.4.2

Dear Members of the Rhode Island Ethics Commission:

Common Cause Rhode Island supports in part, and opposes in part, the proposed changes to 520-RICR-00-00-1.4.2 (herein referred to as the “gift rule”).

Support for changes to 520-RICR-00-00-1.4.2(C) and (D)

Common Cause Rhode Island supports the proposed changes in 520-RICR-00-00-1.4.2(C) and (D). Those changes amend the definition of an “interested person” to categorically include registered lobbyists and lobbying firms, and those who engage lobbyists.

We believe that it is a conflict of interest for those subject to the Code of Ethics to accept gifts in excess of the prescribed limits from people or organizations that are lobbying them. The current definition of an “interested person” which relies on the lobbyist, lobbying firm, or person engaging a lobbyist to have a “direct financial interest” in the outcome of the decision that the person subject to the Code of Ethics can make is insufficiently protective of the public interest.

The proposed change would affect gifts from a small universe of people; those who are being paid, or are paying, to lobby public officials and employees. The mere fact that they are paying or being paid to lobby indicates that their interest in the decisions made by the person subject to the Code of Ethics is more than simply altruistic. That is why at least 22 states have categorically banned or limited gifts from lobbyists as a class.

The proposed changes to 520-RICR-00-00-1.4.2(C) and (D) are narrowly tailored. 520-RICR-00-00-1.4.2(C)(3) would only regulate the gift if the lobbyist, lobbying firm, or person engaging a lobbyist, is lobbying the person subject to the Code of Ethics. Additionally, 520-RICR-00-00-1.4.2(C)(4) includes an exception for food or beverages served at events at which all the members of the General Assembly or statewide officers are invited. This exception is consistent with language in the gift rules of several other states.

We note that public comment received by the Commission has been overwhelmingly in favor of this change. The public believes that those subject to the Code of Ethics should not be allowed to take unlimited gifts from any lobbyists, or persons employing lobbyists.

Opposition to changes in 520-RICR-00-00-1.4.2(A)

Common Cause Rhode Island opposes the proposed changes to 520-RICR-00-00-1.4.2(B). These changes would raise the maximum value of a regulated gift from \$25 to \$50 and the annual aggregate value of regulated gifts from a single interested person from \$75 to \$150.

Common Cause Rhode Island believes that \$25 is the appropriate limit for permissible gifts. The limit was set to allow for interested persons to give government officials and employees *de minimus* gifts without violating the Code of Ethics. That is reflected by its colloquial name; the “cup of coffee rule.” We feel that \$25 is still a sufficient amount to allow for incidental purchases that will not unduly influence public officials and employees, while also protecting the public’s interest in clean government.

The origins of this proposed change to the gift rule is not people or entities who want to provide gifts, but rather a small group of legislators who want to take gifts in excess of the current limits. It is no surprise that the regulated entity wants higher limits—some legislators even proposed legislation that would have raised the aggregate amount to \$250 annually. We should all remember the truth that exists in the old saw that there is no such thing as a free lunch. In our view a free lunch is using a public position for private gain.

The Notice and Comment for this proposed change to the gift rule cites inflation that has eroded the value of the original amount that was adopted by the Commission more than two decades ago. We note that if the \$25 had been indexed to inflation it would only be \$42 today. The proposed change is significant in excess of the rate of inflation which we believe undermines the purpose of a rule to allow *de minimus* gifts.

In closing, we ask you to consider your charge as stated in Article III, Section 7 of the Rhode Island Constitution:

“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.”

We believe that closing the loophole that allows public officials and employees to take unlimited gifts from some lobbyists and those who employ lobbyists, and keeping the gift limits at their current amounts, fulfills this mandate.

Thank you for considering our testimony on the proposed changes to 520-RICR-00-00-1.4.2.

Sincerely,

John Marion
Executive Director

