

ESSEX ETHICS ORDINANCE REGULATIONS

GENERAL

Per Section VIII and Section IX of the Ordinance, the Ethics Review Committee has adopted the following Regulations.

1. Initiation of a Complaint under the Ordinance shall be pursuant to the "Ethics Complaint" form on file in the Board of Selectmen's office, as the same may be amended from time to time by the Ethics Review Committee. Copies of the form shall be made available to the public without charge.

2 Upon receipt of an Ethics Complaint, the Ethics Review Committee will review the Complaint in accordance with these Regulations.

3. The Ethics Complaint allows for anonymous Complaint. Notwithstanding the fact that the form allows anonymous Complaints, the Ethics Review Committee shall have the right to reject such Complaints without consideration of the merits of the Complaint.

The form shall also allow, but not require, an anonymous Complainant to provide a mailing address or an email address for the limited purpose of providing the Complainant with notice of the action of the Ethics Review Committee.

4. The Ethics Complaint must be signed under penalty of false statement and with a good basis for said Complaint. An anonymous Complainant shall be required to sign the form "anonymous".

5. Other provisions of the Ethics Complaint form shall be in accordance with Section IX, Subsection 3.

The Ethics Review Committee shall review the Ethics Complaint to determine if it is in proper form and that the allegations, if true, would constitute a violation of the Ethics Ordinance.

6. The Ethics Review Committee shall be authorized to investigate an Ethics Complaint to the extent reasonably necessary to determine whether or not there is probable cause to believe a violation of the Ordinance Code has occurred.

7. The Ethics Review Committee may dismiss any Complaint if it is not in proper form, or if the allegations, if true, would not constitute a violation of the Ordinance Code. A notice in writing of any such dismissal and the reasons for the dismissal, shall be mailed to the Complainant to the addresses provided. Notice of the dismissal of an anonymous Complaint where no addresses have been provided will be retained by the Ethics Review Committee in a confidential file.

8. In reviewing and investigating an Ethics Complaint, the Ethics Review Committee may, but shall not be required to, make inquiry of the Respondent with respect to the Respondent's position regarding the Complaint. However, no finding of probable cause shall be made by the Ethics Review Committee without notifying the Respondent of the allegations of the Ethics Complaint and providing the Respondent a reasonable opportunity to respond to the allegations.
9. If the Ethics Review Committee makes a finding of probable cause, the Complainant and the Respondent shall be advised of the finding of Ethics Review Committee and a summary of the reasons for the finding.
10. If the Ethics Review Committee deems the nature of the Ethics Complaint is one that is appropriate for resolution by Stipulation, agreed settlement or a consent order, the notice to the parties shall so state and shall provide an opportunity for the parties to resolve the Ethics Complaint. The Ethics Complaint and any response from the Respondent thereto shall remain confidential until the Ethics Review Committee has determined that resolution as above stated is not feasible.
11. Where probable cause is found, and the Ethics Complaint is not otherwise resolved under these Regulations, there shall be a Public Hearing before the Ethics Board.

RULES FOR CONDUCT OF THE PUBLIC HEARING

1. The Ethics Hearing shall be conducted on a date established by the Ethics Board, not less than 14, nor more than 28 days from the date of the finding of probable cause without the consent of the Ethics Review Committee, the Complainant and the Respondent.
2. The Ethics Review Committee shall present the basis for its finding to the Ethics Board. The Ethics Review Committee shall not be subject to cross examination.
3. The Complainant shall be provided an opportunity to present the evidence of its Ethics Complaint. The Complainant will be subject to cross examination by the Ethics Board, the Ethics Review Committee and the Respondent.
4. The Respondent shall be provided an opportunity to present sworn testimony with respect to its defense to the Ethics Complaint.
5. Any party to the proceedings shall have the right to have counsel available.
6. The Strict Rules of Evidence shall not be applied, but the Ethics Board shall recognize the limited value of hear-say testimony.
7. The Ethics Board shall make written findings and shall make a written Decision. Any finding by the Ethics Board shall be based upon a preponderance of the evidence in favor of that finding.

8. In the event the Ethics Board does not find a preponderance of the evidence to support a finding that a violation of the Ordinance Code occurred, it shall so note in its Decision and dismiss the Ethics Complaint.

9. In the event the Ethics Board makes a finding by a preponderance of the evidence that a specific violation of the Ordinance Code occurred, it shall so note that finding as part of its written Decision.

10. In the event the Ethics Board makes a finding of a violation of the Ordinance Code has occurred, it may impose the following sanctions:

- a. A letter of reprimand to the Respondent.
- b. A letter of reprimand to the Respondent and the promulgation of a copy of the letter of reprimand on the Town website.
- c. Provision of a copy of the letter of reprimand to such other persons or entities as the Ethics Board deems appropriate.

Imposition of any of the above sanctions shall require a majority vote of the Ethics Board.

11. In the event that the Ethics Board finds that the violation of the Ordinance Code constitutes malfeasance in office, or malfeasance in the performance of the duties of the Respondent, the Ethics Board may commence proceedings for removal of the Respondent from office or for termination of the Respondent as an official or an employee of the Town, to the extent such remedies are available under law.

Any such action shall require the unanimous vote of the Ethics Board.

ADVISORY PROVISIONS

Any person subject to the Code may require an advisory opinion from the Ethics Review Committee. No specific form is required for such a request.

ETHICS COMPLAINT



Send original completed form to:
Board of Selectmen
Town of Essex
29 West Avenue
Essex, CT 06426

Date:
Recvd by:

OFFICIAL USE

1. INSTRUCTIONS – Please see Page 2 of this form before completing and submitting

A. Identify the person(s) governed by the Code that you are filing an Ethics Complaint about (herein referred to as "Respondent(s)")

Name _____
Position or Title with Town _____
Department/Agency/Board/Commission _____

B. Explain in detail why you believe that the person named in (A) above may have violated the Town's Code of Ethics.

C. List and attach or make reference to any documents, materials, minutes, resolutions or other evidence which support your allegation. Any written witness statement should be sworn to or affirmed under penalty of perjury. List all attachments by name, date of document, number of pages and cite the specific portion of the document that supports the allegation.

D. Complaint Contact Information

Name of Complainant _____
Address of Complainant _____

Daytime phone # _____
Email address _____

(If Complainant is not an individual - please provide Name, Address, Phone and Email information for one or more offices of the Complainant –attach additional sheets and label clearly.)

I swear or affirm, under penalty of perjury, that the facts set forth in this complaint are true and correct to the best of my knowledge and belief. I also swear and affirm that I have read and understood the Notice of Confidentiality as set forth on page 2 of this form and will abide by said confidentiality requirements.

Signature of Complainant
Sworn to and subscribed before me this ____ day of _____, 20____

Notary Public
My Commission Expires:

INSTRUCTIONS

1. Complete all sections of the Complaint form. Forms with blanks will not be processed.
2. Give the complete name and position and/or title of the person about whom you are complaining. If there are multiple persons, use a separate Complaint form for each person in (A).
3. If you allege a violation of more than one section of the Code of Ethics, you must list each code section and describe all of the conduct that you believe violates that specific section. This must be done separately for each section of the code you allege was violated. You must include dates of the alleged conduct with as much specificity as possible.
4. Sign the Complaint Form and have a Notary sign, date and note the date their commission expires, or have a lawyer licensed in Connecticut take your acknowledgment.
5. Submit original, signed form and attachments to the Board of Selectman and submit two (2) copies of form and attachments to the Office of the Town Clerk.

NOTICE OF CONFIDENTIALITY

No complainant, respondent, witness, designated party or Board member may disclose to any third party, any information learned from the investigation of a complaint without the consent of all respondents named in a Complaint, unless the finding of probable cause is made following a preliminary investigation. By filing a complaint, the complainant agrees not to violate this requirement.

IMPORTANT – PLEASE READ

- Please note that the Town cannot act on a complaint which is filed more than thirty-six (36) months after the alleged violation described in the complaint was to have been committed.
- A person who knowingly files a false complaint may be subject to criminal persecution pursuant to Connecticut Statutes (CGS 53a-157b) including possible fines at up to two thousand dollars (\$2,000). In addition, such person may be subject to a civil claim for damages by the individual(s) against whom a false complaint is filed.