

Administrative Regulation 99-02
(Effective 1-10-99)

**Takoma Park Ethics Commission Procedures
REQUESTS FOR ADVISORY OPINIONS AND COMPLAINTS**

I. GENERAL GUIDELINES

Any person may file an inquiry or complaint with the Takoma Park Ethics Commission asking for clarification of ethics rules or alleging possible violations of the City of Takoma Park Public Ethics Ordinance set forth in Chapter 2, Article 2-A of the Takoma Park Code.

II. REQUESTS FOR ADVISORY OPINION

A. Filing and Processing

Any person subject to the Ethics Commission may request an advisory opinion from the Ethics Commission regarding application of the Ordinance. An advisory opinion is informational in nature.

1. Requests shall be submitted in writing to the City Clerk in person or by mail. Inquiries shall not be filed with individual members of the Commission.
2. All submissions will be treated as confidential by the City Clerk.
3. All requests which are filed shall be forwarded to the City Ethics Commission by the City Clerk.

B. Disposition of Requests by the Commission

1. The Commission has sole discretion on how to treat a request for an advisory opinion and whether to issue an opinion.

III. INQUIRIES AND COMPLAINTS

A complaint is an allegation that an individual subject to the Ethics Ordinance has violated the Ordinance. An inquiry is a request of the Commission to determine whether an individual subject to the Ethics Ordinance has violated or may violate the Ordinance.

A. Filing and Processing an Inquiry or Complaint

1. Any person may file an inquiry or complaint with the Ethics Commission. Inquiries and complaints shall be filed with the City Clerk on an Inquiry and Complaint Form approved by the Commission and available in the office of the City Clerk. Complaints may be filed in person or by mail. Inquiries and complaints shall not be filed with individual members of the Commission.

2. An inquiry or complaint should provide as much specificity and detail as possible, including facts constituting the alleged violation(s), the name and address of the alleged violator (Respondent) and the names and addresses of potential witnesses. The complaint may be filed anonymously and it need not be verified.
3. All submissions will be treated as confidential by the City Clerk.
4. All inquiries and complaints which are filed shall be forwarded to the City Ethics Commission by the City Clerk. The Chair of the Commission shall notify persons who file inquiries and complaints of the date and time of the meeting at which the complaint will be reviewed by the Commission.
5. The person about whom an inquiry or complaint has been received will be notified immediately in writing by the Chair of the Commission. The Chair of the Commission shall also notify the person about whom an inquiry or complaint has been received of the date and time of the meeting at which the inquiry or complaint will be reviewed by the Commission.
6. Any inquiry or complaint concerning City staff other than the City Administrator or Corporation Counsel, and volunteers other than members of the Commission on Landlord-Tenant Affairs, City Ethics Commission, Personnel Advisory Board, and Tree Commission shall be referred to the City Administrator for appropriate disposition. The City Administrator shall report to the Commission on the disposition of the complaint or inquiry. The Commission may comment on the City Administrator's actions. If a complaint or inquiry is referred to the Commission which is a personnel matter and not an ethics issue, it shall be referred to the City Administrator for disposition without further reporting to the Commission. Should the Commission receive an inquiry or complaint regarding any action which may be criminal, such allegations shall be referred to city, county, state or federal officials as appropriate.

B. Initial Investigation

1. Inquiries and complaints which are filed with the City Clerk's office no less than five business days before the Commission's regularly scheduled meeting as noticed by the City Clerk may be placed on the agenda by the Chair or Vice-Chair of the Commission for that meeting to make an initial investigation into the inquiry or complaint.
2. In the event that no regular meeting of the Commission is scheduled within 30 days of the filing of the complaint, the Chair of the Commission may call for a meeting to be noticed at the earliest practicable date to make an initial investigation into the inquiry or complaint.

3. The Commission shall make an initial investigation into the inquiry or complaint and may do so without taking testimony or receiving information from the subject of the inquiry or complaint. The Commission may dispose of an inquiry or complaint after the initial investigation, with a finding of no conflict of interest or no basis for the complaint. Such disposition shall not be publicly released without the written consent of the subject.
4. The Commission may, by majority vote, go into executive session during the investigation phase of a complaint procedure.

C. Commission Investigation and Hearings

1. If the Commission's initial investigation reveals facts and evidence which indicate that there are reasonable grounds to investigate further, the Commission shall schedule a public hearing to consider whether such a violation of the Ordinance exists. The hearing may be scheduled during a regular special meeting of the Commission.
2. Notice of the date and location of the hearing shall be provided to the respondent to the complaint. Respondents shall be provided with a copy of the complaint and shall be informed of his or her right to be present at the hearing in person and represented by counsel or any other person at the hearing. Evidence may be presented to the Commission. All testimony before the Commission shall be taken under oath or affirmation, administered by the chair or vice-chair in the chair's absence. All hearings shall be recorded by the City Clerk. The Commission, shall, at its discretion, accept any evidence it deems appropriate.
3. The Commission may request the presence of a respondent or other person at a public meeting to provide information or evidence relating to the complaint which has been filed with the Commission.
4. The Commission may authorize a member or subcommittee or Commission members to conduct an investigation and prepare a report to the Commission with recommendations for discussion at a Commission meeting.
5. The Commission may, after an initial investigation, proceed further and must offer the respondent the opportunity to be interviewed by the Commission, provide information to the Commission, and offer witnesses for the Commission to interview.
6. The Commission may not use as a basis for any fact or conclusion in its report any information the source of which is not specifically identified; that is, information from anonymous sources cannot be used in a report.
7. Should the Commission propose to issue a finding other than no conflict of interest or no basis for the complaint, a draft final report must be presented to the respondent

before it is issued. The subject shall have an opportunity to respond to the report before it is issued, and his or her response shall be addressed by the Commission in its final report.

8. The final report shall be transmitted to the respondent prior to being released to the public. The report shall, at a minimum, state the nature of the inquiry or complaint, the actions taken by the Commission to investigate the matter, the information received as a result of the investigation, the Commission's conclusions, and the subject's response (which may be summarized) if there is one.
9. Individual members of the Commission may not investigate complaints or discuss pending complaints with persons other than Commission members or Corporation Counsel unless authorized by the Commission to conduct an investigation.
10. If the Commission determines that an investigation requires the expenditure of funds, such as the cost of an independent investigation of a complaint or a special investigator, the Commission shall make a request for funding to the City Council.

IV GENERAL ADMINISTRATIVE PROCEDURES

1. The Ethics Commission shall meet quarterly in public session. Public notice of meetings shall be made in accordance with the appropriate laws of the State of Maryland.
2. At the first public meeting after October 1, the Commission shall elect officers for the ensuing year. Officers shall consist of a Chair, Vice-Chair and Secretary.
3. The Ethics Commission shall meet in open session except when, for cause, the Commission votes to meet in executive session.

Adopted (date)

January 1, 1999

**CITY OF TAKOMA PARK
PUBLIC ETHICS COMMISSION
INQUIRY AND COMPLAINT FORM**

File this form with the City Clerk, 7500 Maple Avenue, Takoma Park, MD 20912
Tel: (301) 270-1700 ext. 206; Fax: (301) 270-8794

Your Name* _____

Address _____

Telephone home: () _____ work: () _____

*Your name, Address and phone number are optional. If this complaint is anonymous, reasons why should be stated in Section 5, below.

1. **NATURE OF INQUIRY OR COMPLAINT:** Please describe in detail the question or allegation you are raising in this complaint. State all facts as specifically as possible. Attach additional pages, if necessary.

2. **SUBJECT OF INQUIRY OR COMPLAINT:** Who is the person or persons whose actions you are addressing in this inquiry or complaint? Please provide name(s) and address(es), business and residence, if known.

3. **NAME AND ADDRESSES OF POTENTIAL WITNESSES:**

4. ADDITIONAL INFORMATION:

5. IF YOU ARE FILING THIS FORM ANONYMOUSLY: If you do not wish to identify yourself, please explain the reasons.

6. DOCUMENT: Please attach copies of any available documentation regarding the inquiry or complaint.

_____ at _____
Date City and State

Signature

This form will be filed anonymously and it need not be signed. However, the Commission will take the fact of anonymity into consideration in deciding whether or not to investigate the complaint.