



Town of Deep River, CT
Ethics Commission General Procedures

Section I – Definitions

1. “**Commission**” means the Ethics Commission of the Town of Deep River, its commissioners, and any person duly authorized to act on behalf of the Commission.
2. “**Complainant**” refers to any person who has filed a complaint with the Commission.
3. “**Hearing**” means that portion of the Commission’s procedures in the disposition of matters delegated to its jurisdiction by law wherein an opportunity for presentation of evidence and argument occurs, which is preceded by due notice.
4. “**Party**” means each person named or admitted by the Commission as a party to a contested case, or properly seeking and entitled as of right to be admitted as a party. Each respondent shall be a party in all contested cases arising out of a complaint filed with the Commission.
5. “**Person**” includes any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, or group of persons.
6. “**Probable Cause**” means a determination by the Commission that the facts would warrant a reasonable person to believe that a town official, officer, or employee violated this Code; the belief should be more than a mere suspicion, but less than proof beyond a reasonable doubt.
7. “**Respondent**” means any person against whom a complaint has been filed with the Commission or issued by the Commission.

Section II - General Procedures, Complaints, Time Limits, Investigations, Notice: Hearings

1. General

- a. The discussions of the Commission held in Executive session are confidential. All other minutes of the Commission are public information and will be made available to the public through the Town Clerk's office.
- b. The Commission will use its own Attorney and clerical staff.

2. Complaints.

- a. The Commission shall receive complaints of any alleged violation of the Code of Ethics.
- b. The Commission shall have the power and duty to investigate and hear complaints concerning these allegations of violations of this Code
- c. Complaints of violations of the Code of Ethics relate to unethical behavior concerning Persons Governed by this Code as defined in the Code of Ethics for the Town of Deep River.
- d. The complaint shall be made by any person in writing and signed under penalty of false statement.
- e. Included in the complaint shall be the name of the accused (respondent) and specific acts alleged to constitute the violation of this Code, and when they occurred. It shall also state whether or not these allegations have been presented to other administrative or judicial authorities.
- f. All information supplied to or received from the Commission during evaluation or investigation shall remain confidential, as specified by provisions of the Connecticut General Statutes, section 1-82a, in relation to operations of the Board of Ethics, unless the commission make a finding of probable cause for a hearing, or unless the respondent requests in writing that the entire record and any hearings be open to the public.

3. Evaluation and acknowledgement.

- a. Complaints will be reviewed monthly at the Commission's regular meeting in executive session at which time the Commission will determine whether the complaint is complete and in proper order. The Commission shall have fifteen (15) calendar days after the initial review to determine if the complaint is in proper form. If it is not or if the Commission determines that

the allegations, even if true, would not constitute a violation of this Code, the commission will duly notify the complainant of this along with the reasons therefore by certified or registered mail.

- b. Should the Commission determine the complaint is in proper order and the allegations, if true would constitute a violation of this Code, then the Commission shall, not later than five (5) business days after said determination provide a copy of the complaint by certified or registered mail, to all the respondents against whom such complaint is filed and shall provide notice of the receipt of such a complaint to the complainants. The respondent(s) shall have ten (10) business days from receipt to submit a response to the commission.

- c. Confidential Investigation

- i. The Commission shall make or cause an investigation to be made sufficient to decide whether there is probable cause to believe a violation of this Code has occurred. The investigation shall be conducted within sixty (60) calendar days upon receipt of the Complaint.
 - ii. In the conduct of its investigation, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the Commission of any books/or papers as permitted by law which are relevant in any manner of the investigation or in question.
 - iii. During the investigation, the respondent(s) shall be given an opportunity to appear and be heard and to offer any information which may tend to clear the respondent of probable cause or to refute allegations that could lead the Commission to believe that the respondent has violated any provision of the Code of Ethics. Respondent may obtain counsel at any stage of the proceeding.
 - iv. The proceedings and investigation shall be confidential pursuant of Connecticut Statutes, Section 1-82a.

4. No Probable Cause

- a. If the Commission finds no probable cause, it shall within five (5) business days advise the complainant and the respondent of its findings and a summary of the reasons. The complaint and the record of investigation shall remain confidential.

5. Probable Cause

- a. If the commission finds probable cause by the concurring vote of four (4) out of five (5) voting members, it shall, within three (3) business days after the determination of its investigation and its decision, advise the complainant and the respondent of its findings and a summary of the reasons therefore.
- b. If there is found such probable cause, the commission shall make public its findings within five (5) business days after the termination of its investigation and decision thereon, and the entire record of said investigation shall become public.
- c. The commission may grant a postponement of the release of said record for a period not to exceed fourteen (14) days to allow for negotiations for the resolution of the matter by stipulation, agreed settlement, or consent order and/or as provided for in Section 4-177 of the Connecticut General Statutes as referenced in Section 1-82a(c).
- d. It shall also, unless resolved as stated above, set a date for a hearing on a complaint. It shall give notice of that date to the complainant and respondent. Such date shall be not less than fifteen (15) calendar days following notice, nor more than thirty (30) calendar days after the finding of probable cause.

6. Hearings

- a. All hearings shall be open to the public and recorded
- b. Hearings shall not be subject to rules of court, except the rights (i) of an accused to confront and cross-examine their accuser. (ii) of every witness or party to be represented by an attorney at law of their choice, and, (iii) of every witness to decline to answer questions in accordance with the Fifth Amendment to the Constitution of the United States.

- c. In all other respects, hearings shall be conducted by the commission, with the advice of their own attorney acting through the Chairperson In order to facilitate the prompt and fair deposition of the proceedings.
- d. While conducting a hearing of an alleged violation of this Code, the commission shall have the authority to administer oaths, examine witnesses, and receive oral and documentary evidence. The commission shall have the authority to issue subpoenas or subpoena duces tecum (in order to produce documentary evidence) enforceable upon application of the Superior Court for the State of Connecticut, to compel attendance of persons at hearings and the production of books, documents, records and papers, pursuant to Sections 7-148 (c)(10)(B) of the Connecticut General Statutes, subject to the inherent power of the Commission to decline or limit such request where it is merely duplicative or is unnecessarily burdensome or harassing and not likely to lead to evidence which will aid the commission in its determination.

7. Findings/Sanctions

- a. No finding of violation of this Code shall be made except upon concurring vote of four (4) out of five (5) members of the Commission.
- b. The Chairperson shall render the finding of the commission within fifteen (15) calendar days after the conclusion of the hearing. A copy of the Findings shall be sent to the complainant, respondent, and the Town Clerk of Deep River.
- c. Upon finding of a violation of any provision of the Code, the commission will refer the matter to the appropriate appointing or supervisory authority.
- d. The authority affected will report within thirty (30) calendar days of the receipt of the Ethics Commission ruling to the commission the action taken, if any.

8. Advisory Opinion

- a. Any public official, former or prospective public official or employee may request the Ethics Commission to issue an advisory ethics opinion regarding the propriety of a matter or matters in which the person is or may become a party. Any request for an advisory opinion shall be in

writing by the person making the request. The commission may make public all or any of such opinion as it deems desirable and in the public interest.

- b. Advisory opinions rendered by the commission shall be deemed to be final decisions. Any advisory opinion concerning the person who requested the opinion and who acted in reliance thereon, in good faith, shall be an absolute defense in any matter brought under the provisions of this Code.

Section III - References

The Deep River Ethics Commission is established under the enabling provisions of Section 7-148h of the General Statutes of Connecticut entitled "Ethics Commission; Establishment and Powers."

The local enabling enactment is as set forth in AN ORDINANCE ESTABLISHING THE MUNICIPAL ETHICS COMMISSION.

https://www.deepriverct.us/sites/g/files/vyhlif2996/f/agendas/an_ordinance_establishing_the_municipal_ethics_commission.pdf