

## Talbot County Ethics Commission Rules of Procedure

### 1. Maintenance and inspection of statements and documents.

(a) Except as otherwise provided by State or County law, the Ethics Commission shall:

(1) maintain all statements, registrations, reports, and documents filed with it in accordance with the Code for at least four years from the date of the receipt or if it be more than four years, for so long as the position about which said statement, registration, report or document was filed, is occupied by the same individual.

(2) make those statements, registrations, reports, and documents available for public inspection and copying during normal office hours, subject to such reasonable fees and administrative procedures as the Ethics Commission establishes provided that all requests for documents be in writing; and

(3) require any person examining or copying the statements, registrations, reports, or documents to record the person's name, home address, phone number, and the name of the person whose statement or document was examined or copied.

(b) The Ethics Commission shall contact, in writing, the person whose statement was examined or copied, advising the person of the name and address of the person who examined or copied the statement.

### 2. Complaints.

(a) Any person may file with the Ethics Commission a signed written complaint under oath alleging a violation of any provision of the Talbot County Code of Ethics.

(b) A complaint shall be filed on the form provided by the Ethics Commission.

(c) The Ethics Commission may, upon the written motion by any party or its own written motion dismiss a complaint at any time if the Commission determines that the evidence does not support further action.

### 3. Hearings.

(a) If the Ethics Commission believes there is sufficient evidence to schedule a hearing on the allegation, then the person filing the complaint shall present his or her case before the Ethics Commission. Sufficient evidence shall be defined as such evidence that, if in the opinion of a majority of the Ethics Commission, the evidence produced is sufficient, if true, to justify a reasonable person in concluding that the alleged offense occurred, the complaint should proceed to a hearing.

(b) At the hearing, the complainant and the respondent may be represented by an attorney, present evidence, and cross examine witnesses.

(c) All hearings shall be recorded either stenographically or mechanically.

(d) The Ethics Commission may admit and give appropriate weight to any evidence, including hearsay, that possesses probative value and is relevant to the matter being heard. All testimony produced at any hearing shall be under oath.

(e) After consideration of all the evidence, the Ethics Commission shall make findings of fact and conclusions of law with respect to each of the alleged violations.

(f) If the Ethics Commission determines that the respondent has not violated any of the provisions of the Code, the Ethics Commission shall enter an order dismissing the complaint and shall advise the complainant and respondent.

#### 4. Administrative sanctions; disciplinary action.

(a) If the Ethics Commission determines by affirmative vote of at least three members of the Commission that the respondent has violated any provision of the Code, the Commission may:

(1) issue an order of compliance to cease and desist from the violation;

(2) issue a reprimand; or

(3) recommend to the appointing authority the censure, removal, or other appropriate disciplining of the respondent.

(4) if in the course of considering a complaint, the Ethics Commission finds that there are reasonable grounds to believe that the respondent may have committed a criminal offense, the Ethics Commission:

(a) may refer the matter to the appropriate prosecuting authority; and

(b) shall make available to the prosecuting authority all evidence under its control, as requested by the authority.

#### 5. Confidentiality.

(a) Notwithstanding any other provision of the Code to the contrary, following the filing of a complaint, and unless and until a finding of a violation has been made or the matter is referred for prosecution, the proceedings, meetings, and activities of the Ethics Commission in connection with a complaint shall be conducted in a confidential manner.

(b) The Ethics Commission, the complainant, and the respondent may not disclose any information relating to the complaint, including the identity of the complainant and the respondent, except that the Ethics Commission may release any information at any time if the release has been agreed to in

writing by the respondent.

(c) The respondent has the right to know the identity of the complainant if the complaint goes to a hearing or a civil or criminal action is initiated, or at any time prior if the complainant agrees to it in writing.

