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# ETHICS COMMISSION

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Rules & Regulations



ACCEPTED APRIL 22, 2014  
WAYNE THOMAS SPIES, CHAIR



# ETHICS COMMISSION OF THE TOWN OF HAMDEN

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# ETHICS COMMISSION OF THE TOWN OF HAMDEN

## RULES & REGULATIONS

### Article 1: The Commission

#### 1.1. Name of the Commission

The name of the Commission shall be: “Ethics Commission of the Town of Hamden” (“Commission”).

#### 1.2. Duties and Powers

##### 1.2.1 Advisory Opinions

1.2.1.1. The Commission shall render advisory opinions concerning the application of the Town Charter or Code of Ethics adopted by the Town of Hamden (“Town”) to any Town employee or elected or appointed official upon his or her written request.

1.2.1.2. A quorum for advisory opinions shall consist of three members of the

Commission. 1.2.2 Complaints

1.2.2.1. Upon the receipt of a written complaint of any person received within three years of the incident and signed under penalty of false statement, or upon the Commission’s own complaint within three years of the incident, the Commission Clerk shall immediately forward a copy to the Commission.

1.2.2.2. The Commission may elect:

- a) to reject the complaint due to its form, without regard to the facts of the complaint (e.g., the Commission lacks jurisdiction, the complaint was not signed under penalty of false statement, the incident occurred more than three years prior to the complaint, the respondent is no longer in the employ of Hamden);
- b) to reject the complaint summarily, if probable cause does not exist (as in the case of frivolous charges);
- c) to refer it directly to a Tribunal for the determination of probable cause; or,
- d) to appoint an Investigative Officer (hereinafter “Officer”) for investigation.

1.2.2.3. The Officer shall investigate the allegations contained in the complaint and shall present the findings to the Tribunal, which shall determine the existence of probable cause. In cases

where the Officer finds that evidence is unavailable to support a complaint, he or she shall report the same to the Tribunal.

1.2.2.4. In the course of the investigation, the Officer may compel the production of testimony, documents, records, and other information deemed necessary in order to carry out the investigation, by means of subpoena.

1.2.2.5. The Commission shall not entertain any complaint against any person who has left the employ of the Town of Hamden or who is no longer holding elected or appointed office. In such situations, the investigation/Tribunal/Hearing will be terminated.

### 1.2.3. Probable Cause

1.2.3.1. There shall be a Tribunal consisting of two members of the Ethics Commission, appointed by the Chair, each of whom shall be members of a different political party, and the Chair of the Commission, who shall preside over its meetings. The Tribunal, based on the report of the Commission or of the Officer, with the assistance of Counsel, shall determine whether there is probable cause to believe that a violation of the Town Charter and/or the Code of Ethics has occurred.

1.2.3.2. The Tribunal shall give notice to the respondent within ten days after receipt of the report that there has been a complaint filed against him or her alleging that he or she is in violation of the Town Charter and/or the Code of Ethics, and informing the respondent(s) of:

- a) His/her right to appear before the Tribunal, which will decide whether probable cause exists with respect to the complaint filed against said respondent, and,
- b) His/her right to a hearing before the Ethics Commission, if the Tribunal finds probable cause.

1.2.3.3. The Tribunal shall make no finding that there is probable cause to believe the respondent is in violation of any provision of the Town Charter and/or the Code of Ethics except upon the concurring vote of two of its members.

1.2.3.4. The Tribunal shall commence a probable cause hearing within 60 days after a complaint is received, unless the Commission grants an extension of said time period due to difficulty in timely completing the investigation.

1.2.3.5. A quorum for a Tribunal shall consist of two regular members and the Chair. In the event that regular members are unable or unavailable to serve as provided herein, the Chairman shall appoint an alternate.

## 1.3. Confidentiality & Publications of Findings

### 1.3.1 Confidentiality

1.3.1.1. Unless the Commission finds an ethical violation has occurred, a complaint alleging a violation shall be confidential except upon the request of the respondent. Information supplied to or received from the Commission shall not be disclosed to any third party by a complainant, respondent, witness, designated party, Commission member or staff member. No provision of this subsection shall prevent the Commission from reporting the possible commission of a crime to the chief state's attorney or other prosecutorial authority.

1.3.1.2. An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint, and any information supplied to or received from the Commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, Commission member, or staff member.

### 1.3.2. Publication of Findings

1.3.2.1. Not later than three business days after the termination of the investigation, which, unless otherwise indicated, shall be any finding resulting from a probable cause hearing, the Commission shall inform the complainant and the respondent of its finding and provide him or her a summary of its reasons for making that finding. The Commission shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.

1.3.2.2. If the Commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, Commission member or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the Commission may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its finding and a summary of its reasons therefore.

1.3.2.3. The Commission shall make public a finding of probable cause not later than five business days after the termination of the investigation. At such time the entire record of the investigation shall become public, except that the Commission may postpone examination or release of such public records for a period not to exceed 14 days for the purpose of reaching a stipulation agreement.

1.3.2.4. The term "entire record of the investigation" means all of the documents and other records compiled or otherwise obtained by the Commission and/or its investigators during the

course of its investigation including, but not limited to, documents, reports, tape recordings, transcripts, and other evidence.

## 1.4. Commission Proceedings

### 1.4.1. Hearings

1.4.1.1. If the Tribunal finds that probable cause exists that the respondent violated the Town Charter and/or the Code of Ethics, the Commission clerk shall notify the respondent no later than three working days after said decision that probable cause has been found and a hearing to determine if respondent has violated the Town Charter and/or the Code of Ethics shall be held.

1.4.1.2. Said notice shall contain the following:

- a) The alleged violation the respondent is being charged with together with a summary of its reasons for making that finding, and,
- b) All rights and privileges granted said respondent pursuant to the Hamden Town Charter.

Unless otherwise provided by law, the date, place, and time of hearing shall commence within 60 days after a probable cause finding.

1.4.1.3. All hearings of the Commission shall be open to the public.

1.4.1.4. The Chair of the Commission shall preside over such hearings. Members of the Commission may question any witness.

1.4.1.5. The legal counsel for the Commission shall attend such hearings and rule on all matters concerning the application of the rules of evidence, which shall be the same as in judicial proceedings.

1.4.1.6. The respondent shall have the right to be represented by legal counsel.

1.4.1.7. The Officer and respondent shall have the right to examine and cross-examine witnesses.

1.4.1.8. The Commission, through the Officer, may administer oaths.

1.4.1.9. The Commission, or its duly appointed authority may issue subpoenas to compel the attendance of witness and the production of documents, records, and papers.

1.4.1.10. The Commission shall record the hearings. A transcript shall be made of proceedings only if required for a Court hearing.

1.4.1.11. The Commission shall find no person in violation of the provision of the Town Charter and/or the Code of Ethics except upon the concurring vote of four members.

1.4.1.12. The Commission shall file its Memorandum of Decision, which may include a recommendation for appropriate action, with the Town Clerk.



1.4.1.13. If the Commission shall find that the respondent has violated the provisions of the Town Charter and/or the code of Ethics it shall also refer its Memorandum of Decision to the Council in the case of any elected officer, to the appointing authority in the case of any appointive office, and to the person's superior in the case of an employee for appropriate disciplinary action to be taken within 30 days of receipt of the Commission's findings and decision, which may include removal from office.

1.4.1.14. A quorum under this section shall consist of four members, including the Chair.

#### 1.4.2. Rules of Procedure.

Except where otherwise provided in the Town Charter, Code of Ethics and these Rules and Regulations, all proceedings shall be conducted as provided in the uniform Administrative Procedure Act of the State of Connecticut, Connecticut General Statutes, Chapter 54, Sections 4166 et seq., as amended.

#### 1.4.3. Investigation Officer

The Commission may retain an Officer who shall be compensated on an hourly basis as determined by the Commission, and it shall be his or her responsibility to conduct the preliminary investigation of complaints and to present evidence as herein discussed at probable cause hearings before a Tribunal and any subsequent hearing before the Commission.

#### 1.5. Legal Counsel

Legal Counsel shall be an attorney licensed to practice law in the State of Connecticut and appointed by the Town Attorney at a rate of compensation approved by the Town Attorney.

#### 1.6. Code of Ethics

The Commission shall have such other duties and powers as may be provided by the Charter, Code of Ethics or ordinance.

### 1.5. Communication to the Commission

All written communication to the Commission shall be sent to:

Ethics Commission  
Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518

## Article 2. Officers

### 2.1. Officers

The officers of the Commission shall be a Chair and Vice-Chair who shall be elected by a majority of the members of the Commission at the first regular meeting of the Commission in even-numbered years.

### 2.2. Chair

The Chair shall preside at all meetings and hearings of the Commission. The Chair shall be the nominal spokesperson for the Commission. Except as otherwise authorized by resolution of the Commission or by these Rules and Regulations, the Chair shall sign all necessary documents on behalf of the Commission. At each meeting, the Chair shall submit such recommendations and information as he/she may consider proper concerning the business affairs and policies of the Commission.

### 2.3. Vice-Chair

The Vice-Chair will act in place of the Chair, in the absence of the Chair or the inability of the Chair to act, and assume all the duties of the Chair.

### 2.4. Clerk

The Clerk shall be appointed by the Mayor. The Clerk shall keep the minutes of the meetings, voting records and other pertinent records of the Commission. The Clerk shall maintain a record of the proceedings of the Commission in a minutes book kept for such purposes, and shall perform all duties incidental to the office. The Clerk shall also be responsible for providing notices of meetings or hearings and providing necessary documents for the purpose of public disclosure.

### 2.5. Appointment

The Mayor of Hamden shall appoint, subject to the approval of the Council, the Ethics Commission consisting of five residents of the Town, not more than three of whom shall be members of the same political party, and two alternates. Annually, during the month of January, the Mayor shall appoint one member for a term of five years and one alternate for a term of two years. Members of the Commission shall serve until a successor has been appointed and qualified.

## 2.6. Vacancies

In the event of a vacancy in the membership of the Commission, the Mayor will appoint, subject to approval of the Council, a new member to fill the unexpired term of the former member.

## 2.7. Members

### 2.7.1. Responsibilities of Members

The public's confidence in the integrity and fairness of its government depends upon well-enforced regulations against corruption and conflicts of interest. The Ethics Commission plays a vital role in maintaining and increasing that confidence.

Serving the citizens of Hamden through appointment to this Commission is an important responsibility that cannot be ignored or delegated to others. Members of the Hamden Ethics Commission serve the citizens of Hamden by upholding the Town Charter, the Commission's internal rules, and other applicable regulations.

The members must faithfully execute their duties as required, by maintaining confidentiality and by not engaging in any private ventures that would conflict with the Commission's best interests.

### 2.7.2. Attendance

Serving on the Ethics Commission means more than just being appointed; serving on the Commission means participating fully in its work. Whether the member is a regular member or an alternate, his or her effectiveness depends, at least in part, on faithful attendance at the Commission's meetings. The member's attendance:

- demonstrates his or her commitment to the Commission and to its mission;
- builds the trust of his or her peers;
- keeps him or her apprised of issues concerning the Commission; and,
- strengthens his or her understanding of the role of the Commission, its procedures, and practices.

Given that membership is voluntary, the Commission realizes that a member or alternate may not be able to attend every meeting, despite his or her good intentions and best effort. Nonetheless, the Commission expects that each member and each alternate will attend its meetings regularly, i.e., a minimum of half of the Commission's meetings within any twelve-month period.

If a member or alternate anticipate that they will be unable to attend regularly, he or she should tender his or her resignation to the Mayor, with a copy of such resignation to the Chair.

If, for whatever reason, a member or alternate does not attend regularly, the Commission Chair may ask that he or she resign. If the resignation is not forthcoming, the Commission may report the matter to the Mayor with the recommendation that he or she be replaced.

## Article 3: Meetings

### 3.1. General Provisions

#### 3.1.1. Regular Meetings

Regular meetings of the Commission shall be held bi-monthly starting April 2014, and at such time and place as may be designated or subsequently changed by resolution adopted by the Commission at any regular or special meeting. All meetings shall be held at the Town Hall in the absence of the specific designation of some other meeting place in any such resolution. In the event that the date of any regular meeting as provided in any such resolution fall on a legal holiday, the meeting shall be held on the next day at the place and time designated in the resolution. The Rules and Regulations of the Commission shall be available to any citizen of the Town of Hamden at the office of the Legislative Council and at the office of the Town Clerk.

#### 3.1.2. Order of Business

At the Commission's regular meetings, the following shall be the order of business:

1. Roll call
2. Reading and approval of the minutes of the previous regular meeting and any intervening special meeting
3. Bills and communications
4. Unfinished business
5. New business
6. Adjournment

All resolutions shall be in writing and shall be copied in the minute's book of the Clerk of the Commission.

#### 3.1.3. Quorum

A quorum for meetings shall consist of three members.

#### 3.1.4. Voting

Voting on all resolutions regarding advisory opinions or complaints shall be by roll call and, with the exception of executive sessions, each member's vote will be entered in full upon the minutes.

### 3.1.5. Amendment to the Code of Ethics

The Commission will make recommendations to the Mayor as to amendments, additions, or deletions to the Code of Ethics where appropriate. Such amendments shall be made available, at the office of the Legislative Council, to any citizen of the Town.

### 3.1.6. Amendments to the Rules and Regulations

These Rules and Regulations may be amended at any regular or special meeting of the Commission provided notice thereof is contained in the notice of the meeting, and further provided in the case of a special meeting to amend said rules or regulations, that the notice shall be available in the office of the Town Clerk not less than 72 hours prior to said meeting, except as provided for in 4.2.2.

## 3.2. Types of Meetings

### 3.2.1. Regular Meetings

Regular meetings will be held (without the necessity of written notice to its members) on the designated bi-monthly dates in order to transact necessary business. These meetings will be open to the public.

### 3.2.2. Special Meetings

The Chair of the Commission may, at his/her discretion, and shall, upon the written application of any three members, call a special meeting of the Commission for the purpose of transacting specific business. Only the business so specified shall be conducted at a special meeting.

### 3.2.3. Executive Sessions

The Chair of the Commission may call for an executive session when permitted under the statutes made and provided.

## Article 4. Public Records

### 4.1. Releasing Public Records

Except as otherwise provided by these rules and regulations, any federal law or state statute, all records, minutes or files of the Commission other than those identified in 1.3.2.2. shall be deemed public and available, upon written request, for such inspection pursuant to applicable provisions of state or federal law.

## 4.2. Meetings

### 4.2.1. Regular Meetings

This Commission, in compliance with applicable law, shall be required to file the schedule of its regular meetings for the ensuing year in the office of the Town Clerk not later than January 31 of each year.

### 4.2.2. Special Meetings

Except as otherwise provided here, written notice of the time, place and agenda of special meetings shall be delivered to each Commission member's usual place of abode, not less than 24 hours prior to said meeting. Notice of such meetings shall be posted in the Town Clerks office 24 hours prior to said meeting.

## 4.3 Advisory Opinions

Advisory Opinions shall be published and filed with the Town Clerk.