



## *Ethics Commission*

## *Citizens Complaint Guide*

## INTRODUCTION

This guide has been developed by the Ethics Commission to assist citizens who wish to file an ethics complaint in Stratford. The intent of this pamphlet is to offer a more accessible guide to file a complaint, to explain the terminology used and the process involved in an ethics investigation. Please refer to the Stratford Code for more detailed information. *Note: the information provided in this guide is believed to be accurate in all respects, however it does not constitute legal advice and may not be relied upon for any purpose other than as a general source of information.*

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*A complaint form is inserted*

## I. FREQUENTLY ASKED QUESTIONS

### **Who may file a complaint?**

Any person may file a complaint with the Stratford Ethics Commission (the “Commission”), alleging a violation of the Stratford Ethics Code #08-09 (see the complaint form). The person filing the complaint is referred to as the *Complainant*.

### **Who is subject to an ethics violation complaint?**

The subject of a complaint (person against whom the complaint is made) can only be an elected or appointed public official or Stratford town employee. The subject of the complaint is referred to as the *Respondent*.

### **When must a complaint be filed?**

Complaints must be filed within four (4) years of the alleged violation.

### **What activities are prohibited?**

Prohibited activities are defined in the Stratford Code, Section 5-27 (the “Ethics Code”) as listed on the complaint form.

**Is the Stratford Ethics Commission the appropriate agency to handle your complaint?**

If your complaint is directly related to one or more of the prohibited activities stated in the Stratford Code, Section 5-27 (the “Ethics Code”), as outlined on the attached complaint form, your complaint falls under the jurisdiction of the Commission.

**How does a citizen file a complaint?**

- Complete the enclosed form and have it notarized
- Attach relevant documentation as described on the form
- Present to the Town Clerk

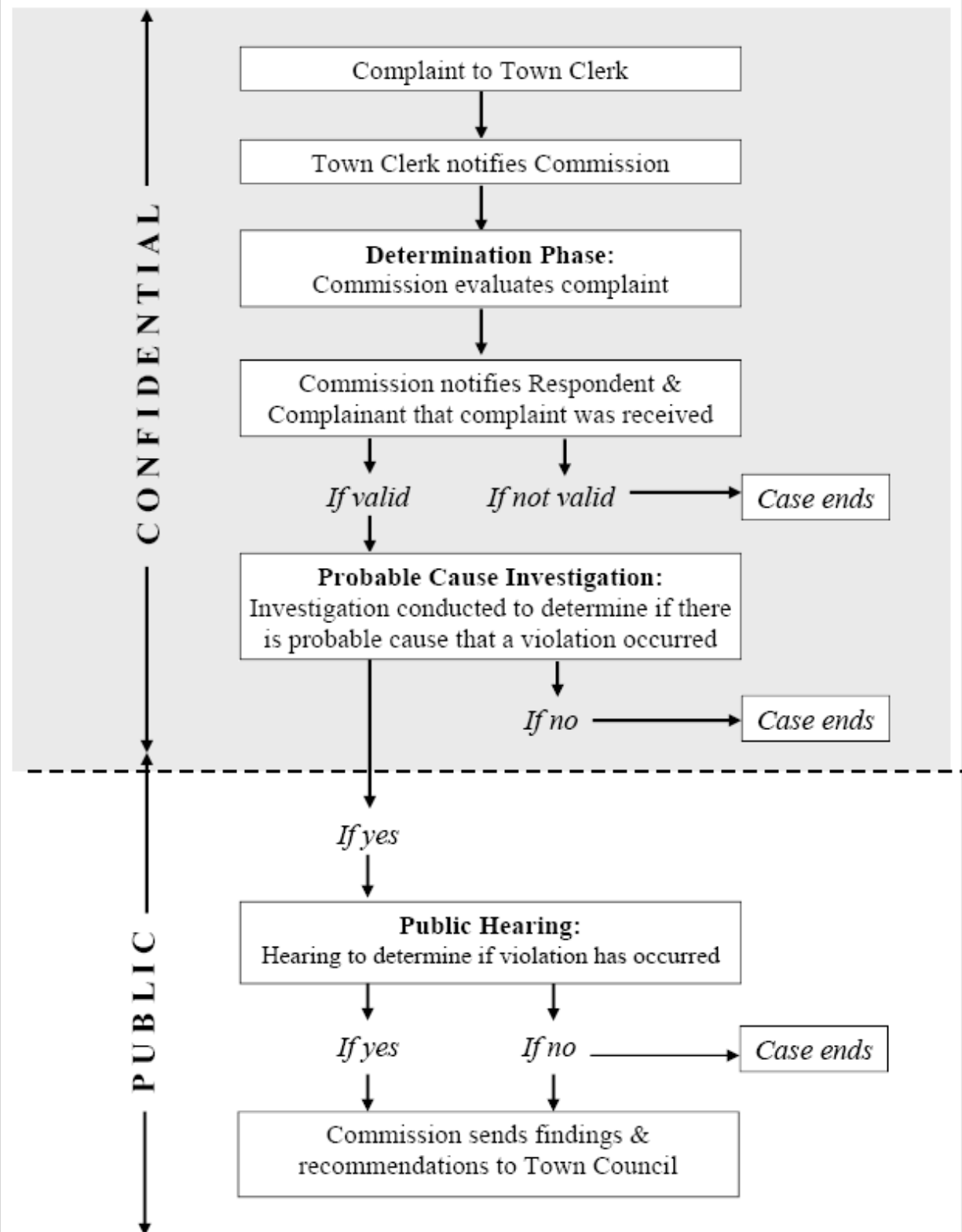
You will be kept informed of the status of the complaint as outlined in the *Overview of the Complaint Process* on page 3.

**Additional complaint forms are available at the:**

- Stratford Public Library
- Office of the Town Clerk
- Town of Stratford Web Site

**<http://www.townofstratford.com>**  
***Click on “Boards & Commissions”***  
***Open the Ethics Commission page***

## II. OVERVIEW OF THE COMPLAINT PROCESS



### III. CONFIDENTIALITY

To protect and preserve the reputations of all parties confidentiality is an essential component of an ethics investigation until the investigation reaches the *Public Hearing*. No information about the complaint may be disclosed by anyone involved with the complaint or the investigation. The Commission is required to uphold confidentiality throughout the initial stages of an investigation.

The Respondent is the only party who may waive confidentiality by making an irrevocable (cannot be withdrawn) and unequivocal (unconditional) waiver of confidentiality to the Commission.

### IV. THE INVESTIGATIVE PROCESS

#### **Determination Phase:**

Within twenty (20) business days of receiving a complaint the Commission begins the process called the *Determination*. During this phase, the Commission determines whether there is sufficient evidence to warrant a preliminary investigation. A simple majority of the Commission decides whether to proceed on the complaint. If there is insufficient evidence both parties are notified that the case will not be continued and the complaint remains confidential. The complaint undergoes a *Probable Cause Investigation* if there is enough evidence to proceed. Both the Respondent and the Complainant are notified of the outcome within five (5) business days.

#### **Probable Cause Investigation:**

Probable cause suggests that there is sufficient evidence that an ethics violation may have occurred that then calls for an official inquiry. The Commission may summon witnesses and obtain information that will aid in the investigation.

These proceedings remain confidential unless the Respondent makes an irrevocable (cannot be withdrawn) and unequivocal (unconditional) waiver of confidentiality to the Commission.

During this investigation, the Respondent has the right:

- to appear;
- to be heard;
- to offer information that may eliminate the likelihood of probable cause that a violation of the Ethics Code occurred;
- to be represented by legal counsel;
- to examine and cross-examine witnesses.

If there is no finding of probable cause the case ends and the complaint remains confidential (unless the Respondent requests that the complaint be made public).

The complaint will advance to a *Public Hearing* if four (4) Commission members determine there is probable cause that an ethics violation occurred. The complaint will become public within five (5) business days as required by the Freedom of Information Act.

The Commission will notify both the Complainant and Respondent of the finding within three (3) business days.

### **Public Hearing**

The Chairman of the Commission presides during the *Public Hearing* and the Commission's legal counsel rules on all matters concerning evidence. The rules of evidence are the same as in a court of law. The Commission records the proceedings and has the power to subpoena witnesses.

The Respondent also has the right to require attendance of witnesses, production of books, documents, records and papers relevant to the complaint.

A vote of four (4) members of the Commission is required to conclude that the Ethics Code has been violated.

The Commission will publish its finding and a memorandum of its reasons fifteen (15) business days after the conclusion of the *Public Hearing*. The finding will be sent to the Town Council along with any recommendations. The Commission has the authority to recommend fines, censure and/or remove officials from office or recommend any appropriate relief that may be imposed by the Town Council.

The Town will pay reasonable legal fees of the Respondent when:

- the Commission determines there is no probable cause;
- the Commission finds there is no violation of the Ethics Code;
- the Commission finds a violation, but it is later overturned by a court.

The Town Attorney or the court will determine the amount of reasonable legal expenses.

### **Appeals:**

Any party has the right to appeal the Commission's decision. The appeal process follows the requirements of the Connecticut General Statutes, Section 4-183. These statutes can be found in a Connecticut public library.