



ETHICS COMMISSION
c/o CITY OF ANNAPOLIS OFFICE OF LAW
160 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401

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**Procedures for Conducting
Ethics Commission Business**

A. Internal Organization

1. Meetings of the Commission

The Commission shall meet annually during the month of February for the purpose of reviewing Annual Financial Disclosure Statements, choosing officers, and for any other business on the agenda. Other meetings shall be upon the call of the Chairperson and/or on the request of any two members of the Commission setting forth the reason for which a meeting is sought. The Chairperson shall designate the time and location of meetings at least five days in advance, unless all of the members agree to meet earlier for good cause. All meetings shall be open to the public except those which are authorized by law to be closed. The Office of Law shall ensure appropriate notification is provided to the public.

2. Officers

a) There shall be a Chairperson and a Vice-Chairperson.

b) The Chairperson shall preside at all meetings; co-ordinate the time and place of meetings; determine opinion drafting and other assignments; serve as spokesperson for all communications from the Commission; communicate to members and the public the agenda prior to each meeting; keep minutes on the business conducted at each meeting; notify the Mayor and members of the City Council of vacancies on the Commission and the date of the expiration of the term of any Member; designate a member to serve as the initial Presenter of complaints and requests for opinions and/or guidance; co-ordinate with the Office of Law; prepare for Commission approval an annual report to the City Council on the activities of the Commission for the preceding calendar year; issue subpoenas and administer oaths as directed by the Commission; issue a Local Government Ethics Law Annual Certification on or before October 1 of each year; and fulfill all other assignments as directed by the Commission.

c) The Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson and/or upon the Chairperson's request.

3. Quorum

A quorum consisting of three members shall be required for conducting Commission business. Upon the agreement of two members, a third member may serve to form a quorum by telephone and participate in relation to all matters coming before the Commission. A quorum shall not be required for administrative, routine matters.

4. Disqualification

Each member of the Commission shall be responsible for considering his or her potential conflict of interest, or the appearance thereof, in relation to all matters which come before the Commission. In his or her sole discretion, a member shall recuse himself or herself when it is deemed appropriate.

5. Amendments

These procedures may be amended by the agreement of a simple majority of a quorum present and voting at any meeting of the Commission. Any such amendment shall become effective upon approval and when published on the City web site.

B. Requests for an Opinion, Assistance, or Guidance

1. Receipt and Distribution

The Office of Law shall receive all written requests for opinion, assistance, or guidance (hereinafter "Opinion") in interpreting City Code Chapter 2.08, Public Ethics and Financial Disclosure, from any person interested in maintaining high ethical standards of conduct within City Government and shall, without comment, mail or e-mail such requests to all members. The Office of Law and the Commission shall keep all such requests confidential until a response to the Opinion has been issued and the Commission determines the form in which the Opinion shall be published pursuant to paragraph 5, Publication of Opinions, set forth below.

2. Presentation of Request to Commission

An initial Presenter will be designated by the Chairman to review the request and, within five days, shall communicate to the members a recommendation as to how to proceed.

3. Determination of Procedure to be Followed

As soon as practicable after receipt of the recommendation of the Presenter, the Chairperson shall convene a meeting of the Commission and a majority of those members present shall determine the actions to be taken in response to the request for an Opinion.

4. Form and Communication of Opinions

All Opinions shall be in writing and subscribed to by the agreement of a simple majority of a quorum present and voting. If any member or members disagree, in whole or in part, with an Opinion, they may write a Dissenting Opinion. The majority Opinion and the Dissenting Opinion, if provided, shall be communicated to the requestor.

5. Publication of Opinions

After the communication of the Opinion to the requestor, the Commission shall determine the form of the Opinion to be published.

C. Complaints Alleging Violation of Ethics Code

1. Confidentiality

All matters concerning a complaint shall be held in confidence until final action is taken.

2. Receipt and Distribution

The Office of Law shall receive all complaints alleging a violation of provisions of Chapter 2.08, Public Ethics and Financial Disclosure, and, without comment, mail or e-mail all such complaints to the Commission members. The Chairperson shall notify the complainant of the receipt of the complaint.

3. Initial Procedure

The Chairperson shall designate an initial Presenter to review the complaint and, within five days, the Presenter shall advise the members of their recommendation as to how the Commission should proceed. If the complaint does not set forth facts which allege a violation of any provision of Chapter 2.08 or if it does not meet the minimal requirements of 2.08.110 for the filing of a Complaint, the Presenter shall recommend that the Complaint be dismissed. If the said dismissal recommendation is unanimously agreed upon by the members present, the Complainant and the

person against whom the complaint has been lodged shall be so advised by the Chairperson.

If the Complaint is not dismissed, the Chairperson shall notify the complainant and the person against whom the complaint has been lodged. A copy of the Complaint shall be provided to the person against whom the complaint has been lodged.

4. Investigative Procedure

If the Complaint is not dismissed under the Initial Procedure, the Commission, by agreement of a majority of a quorum there present and voting, shall determine a procedure for investigating the Complaint. In this regard, the Commission may structure an investigation procedure to meet the requirements of the particular Complaint. The Commission may refer the matter to the Office of Law for investigation and fact finding, request the services of an outside attorney to investigate, issue subpoenas and take testimony under oath, issue orders for the production of documents, require the subject of the Complaint and the Complainant to appear for questioning and determine any other procedure which it finds necessary and appropriate under the circumstances. If, after completing an investigation and fact finding, it is determined by a majority of a quorum there present and voting that there is insufficient evidence to support a finding of a violation, the Complaint shall be dismissed and the Complainant and the person against whom the complaint has been lodged shall be so advised.

5. Determination of Evidence of a Violation

If the Commission determines that there is evidence of a violation, a Charging Document shall be prepared, which may include the Complaint itself, and sent to the Respondent by mail, electronic mail or any manner as approved by the Chairman. Under appropriate circumstances, the Charging Document may contain a Cease and Desist Order. Unless the Commission directs otherwise, the Respondent shall have thirty (30) calendar days to file a Response to the Charging Document. With the Charging Document, the Respondent shall be advised of the right to be represented by an attorney, notification of the right to have a hearing before the Commission, the right to receive in advance of any hearing the names of witnesses that may be called by the Commission, the right to receive copies of any documents which the Commission may enter into evidence, the right to require the Commission to subpoena witnesses for the Respondent, the date and location of the hearing and any and all other rights which might be appropriately set forth.

6. Pre-Hearing and Hearing Procedure

After receipt of the Answer to the Charging Document, or at any other time in the proceeding, the Commission may determine that a dismissal of the Complaint and the Charging Document is appropriate. If the Complaint is not dismissed, a hearing will be scheduled by the Commission. The Chairperson of the Commission shall inform the Respondent or his or her attorney of the scheduled hearing.

The Chairperson shall conduct the hearing and Commission members shall be allowed to ask follow up questions. The Commission may choose to have an attorney participate in the hearing on behalf of the Commission.

The order of the hearing shall be as follows, unless the Commission and the Respondent agree to another order:

- a) Opening statement by the Chairman summarizing the Charging Document and explaining the purpose of the hearing.
- b) Opening statement by the Respondent.
- c) Presentation of witnesses and exhibits on behalf of the Commission with cross-examination following the testimony of each witness and such further examination as permitted by the Chairperson.
- d) Presentation of witnesses and exhibits on behalf of the Respondent with cross-examination following each witness and such further examination as permitted by the Chairperson.
- e) Rebuttal witnesses and exhibits presented by the Commission and cross-examination by the Respondent and such further examination as permitted by the Chairperson.
- f) Closing remarks by the Respondent.

7. Disposition

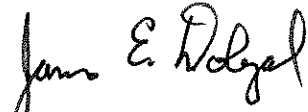
If the Commission determines that the Respondent has not violated the Ethics law, it shall dismiss the Complaint in an accompanying Order. If the Commission determines that the Respondent has violated the ethics law, it shall issue a Final Determination which includes findings of fact and conclusions of law imposing such sanctions as the Ethics Commission approves and that are available under the Ethics Law Section 2.08.100, Enforcement.

Final Determinations shall be provided to the Complainant, Respondent, the Mayor and Aldermen, and the head of any department, board, commission, or agency where the Respondent works or participates. The findings and conclusions and accompanying Orders shall be made public and posted on the City web site.

D. Implementation of Chapter 2.08, Public Ethics and Financial Disclosure

The Commission shall meet at least once per year with the Director of the Department of Human Resources for the purpose of reviewing the steps being taken to ensure that all City officials and employees are aware of their responsibility for maintaining high ethical standards in the conduct of the City's business and to provide information concerning the purpose and implementation of the Ethics Law.

These procedures are adopted pursuant to Annapolis City Code, Public Ethics and Financial Disclosure, Chapter 2.08.030.C.7.



James E. Dolezal
Chairman