



### **Procedures for the investigation, filing, and disposition of complaints**

1. **Preliminary Investigation.** Upon receipt of information or a signed complaint alleging violations of the ethics law, the executive director shall conduct a preliminary investigation and shall submit to the ethics commission a preliminary report to determine:
  - a. whether there is credible evidence, which if proven, would constitute an ethics violation;
  - b. who the respondent(s) may be in any further proceedings; and
  - c. whether the potential respondent(s) is subject to the provisions of the county ethics laws.
2. **Preliminary Response.** If the commission determines that the allegations and evidence presented in the preliminary report do not support a possible finding of an ethics violation, are frivolous, or that it lacks jurisdiction, it shall close the investigation.
3. **Filing a Complaint.** If the commission determines that the allegations and evidence presented in the preliminary report may constitute an ethics violation, it shall send a written complaint to the respondent(s), by certified mail, stating the alleged violations of the ethics law and a summary of the facts giving rise to the complaint. The complaint shall be accompanied by a copy of the procedures for the investigation, filing, and disposition of complaints and a copy of the hearing procedures. The complaint may be signed by the ethics commission, or by any other person, at the discretion of the commission. If the complaint is not dismissed by the commission within 45 days of being filed, the complaint shall be sent to the respondent promptly thereafter.
4. **Answer.** The respondent may file an answer to the complaint, setting forth any information and/or documents that the respondent believes may be relevant to the allegations in the complaint. The answer shall be filed within 20 days after the respondent receives the complaint, unless an extension is granted by the commission.
5. **Final Investigative Report.** The answer, and any accompanying documents, along with any additional evidence obtained by the executive director, shall be included in a final report presented by the executive director to the commission. The final report shall be submitted to the commission within 20 days after an answer is filed by the respondent, or if no answer is filed, within 40 days after the complaint is received by the respondent, unless an extension is granted by the commission. The presentation shall be conducted in closed session in the presence of the ethics commission and staff only.
6. **Notification to the Complainant and Respondent.** The executive director shall notify the complainant, if any, and the respondent, of the date on which the final report shall be presented to the commission. The notification may include a proposed cure for the alleged violation(s).
7. **Cure.** The respondent shall have 15 days after receiving the notification required in paragraph 6, to take such actions as may be required to cure the violation. If the respondent takes the actions necessary to effectuate the cure, and if the ethics commission determines that dismissal is not contrary to the purposes of the Public Ethics Law, it will dismiss the complaint. The cure agreement and the order dismissing the complaint shall be a public record.

8. **Response to Final Investigative Report.** After reviewing the final investigative report:
  - a. if the ethics commission concludes that there is insufficient evidence to support a possible finding of an ethics violation, it shall dismiss the complaint, and send the order of dismissal to the complainant if there is one, and to the respondent. The order of dismissal may be accompanied by an opinion.
  - b. if the ethics commission determines that there is sufficient evidence to proceed to a hearing on the complaint, it shall schedule a hearing on the complaint and send a notice of hearing to the respondent, by certified mail. The notice of hearing shall state the date and time of the hearing and shall inform the respondent of the rights afforded to the respondent under the ethics law.
9. **Providing witness list and documents.** At least ten working days before the hearing, the respondent and the executive director shall provide to the commission and to each other, an estimate of the length of time needed to present that party's case, a proposed list of witnesses and eight copies of each document or other exhibit that will be offered as evidence at the hearing.
10. **Consent Order.** At any time after the receipt of the complaint by the respondent, the respondent may enter into a consent order with the commission. A proposed consent agreement shall be submitted jointly by the respondent and the executive director for consideration by the commission and shall state the section(s) of the ethics law violated, the action that the respondent has taken or will take to correct the violation, and the sanction(s), if any, imposed upon the respondent. The proposed consent agreement shall be subject to the approval of the commission. An approved consent order, incorporating the consent agreement, shall be a public record.
11. **Hearing.** The hearing shall be conducted in accordance with the Hearing Procedures established by the ethics commission and in accordance with the State Government Article, §§10-213 and 10-214 of the Annotated Code of Maryland.
12. **Disposition.** Within 45 days after the hearing is concluded, the commission shall issue written findings of fact and conclusions of law with respect to each alleged violation. If the commission determines that the respondent has not violated the ethics law, it shall dismiss the complaint in an accompanying order. If the ethics commission determines that the respondent has violated the ethics law, it shall issue an order imposing such sanctions as the ethics commission approves and that are available under the law. A copy of the findings and conclusions and any accompanying orders shall be provided to the complainant and the respondent.
13. **Notification of violation.** Where a violation is found, a copy of the findings and conclusions and accompanying order shall be sent to the county executive, the county council, and the head of the department, office, board, commission, or agency where the respondent is employed. The findings and conclusions and the accompanying order shall be a public record.
14. **Confidentiality.**
  - a. The preliminary investigative report, the final investigative report and any other writings or papers prepared by the executive director as part of any investigation shall be considered confidential and the work product of the executive director. These reports shall not be available to the complainant if there is one, the respondent, or any person representing the complainant or the respondent, or to the public.
  - b. Any comments made to the press by the complainant, the respondent, or any representatives of either person, at any time prior to a finding of a violation of the ethics law, shall be considered as a written waiver as to that person of the rights of confidentiality under §7-4-106 and may subject that person to sanctions. Further, upon a breach of the confidentiality rules by the complainant, the ethics commission may, in its discretion, dismiss the complaint.