

**PROCEDURES
ETHICS COMMISSION
TOWN OF CHEVY CHASE, MARYLAND**

Meetings:

The Commission shall meet as needed to respond to requests for advisory opinions or complaints regarding alleged violations of the Town Ethics Ordinance, to review financial disclosure forms and otherwise discharge its duties under the Public Ethics Ordinance.

All meetings shall be subject to the Maryland Open Meetings Act. Meetings will be noticed in advance on the TOCC website, and minutes of each meeting will be posted on the website afterward.

A quorum is a majority of the currently serving Members of the Commission. Each Member of the Commission is subject to the "Conflicts of Interest" provisions of Sec. 2-55 of the Ordinance, and shall recuse him/herself from participation if and as required by that Section.

Review of Financial Disclosure Forms:

It is the duty of the Ethics Commission to review all financial disclosure forms required by the Ordinance to be filed annually by members of the Town Council, candidates for the Council and certain Town employees. This review must be completed in a timely fashion to permit all qualified candidates to appear on the Council election ballot, or, in the case of a write-in candidate, to be eligible to serve if elected. All Members of the Commission must review each financial disclosure form for the completeness of the submission, including the presence of the required oath or affirmation by the submitting individual of the accuracy of the form.

Approval of disclosure forms shall be by a recorded vote of the Commission. If a majority of the Commissioners agree that the form is complete, then the form is deemed approved and the filer shall be so notified.

If a majority of the Commission identifies missing information or other defects in the disclosure form, the filer shall be notified as soon as is practicable with written comments (either by email or hard copy) from the Commission describing the concern or deficiency. It is the filer's responsibility to respond to the Commission in a timely fashion with any necessary supplemental information.

All candidates for the Council, including write-in candidates, must comply with the filing requirements and deadlines of Sec. 2-56 (b) of the Ethics Ordinance, as amended in January 2016, in order to assure their eligibility as a candidate for the Council.

Advisory Opinions:

Any person may request an advisory opinion of the Ethics Commission regarding the applicability of the Ethics Ordinance to a specific action or situation. All such requests must be in writing, on the form available from the Town Office, and submitted to the full Commission through the Town Office.

The Commission in its discretion will determine how to respond to a request for an advisory opinion and whether it is necessary to issue an opinion in response. The Commission will endeavor to respond in a timely fashion to any request for an advisory opinion, with particular care to respond rapidly to any request that relates to a forthcoming Council election.

Complaints:

A complaint is an allegation that an individual subject to the Ethics Ordinance has violated that Ordinance. Any person may submit a complaint to the Ethics Commission, but any such complaint must be submitted in writing, on the form available from the Town Office, and submitted to the full Commission through the Town Office.

The Commission discourages anonymous complaints, but understands there may be “whistleblower” or other rationales for such complaints. The Commission therefore will consider such complaints and decide, in its own discretion, whether to proceed to investigation of an anonymous complaint.

Any person filing a complaint but wishing to keep their identity anonymous from the Commission should understand that the Commission in that case will not be able to communicate with the complainant and so will not be able to follow up with the complainant for clarification or to seek additional information regarding the complaint. Nor will the commission be able to notify the complainant regarding the Commission’s decision whether to proceed with an inquiry or whether the Commission has taken any action on the complaint. An alternative to such anonymity would be for the complainant to make their identity known to the Commission and request that the Commission keep that identity confidential.

Complaints will be treated by the Town Office and the Commission as confidential, except with respect to any individual alleged in the complaint to have violated the Ordinance. Upon receipt of a complaint, the Commission will determine whether it needs more information from the complainant and will notify the person(s) alleged to have violated the Ordinance that the complaint has been submitted. Any such person(s) will be given the opportunity to review the allegations and to provide the Commission with a written response to the complaint.

In the discretion of the Commission, a hearing may be held at which both complainant and the subject(s) of the complaint are allowed to provide additional information to the Commission and respond to the Commission’s questions. The Commission will schedule any such hearing at the earliest practicable date after determining a hearing is necessary. By majority vote, the Commission may go into executive session during any such hearing and any Commission discussions of a complaint. Whether in executive or open session, minutes of all such hearings will be kept by the Town Attorney or his designee.

The Commission may also seek additional information from other sources if needed to come to a conclusion regarding the complaint. The Commission shall in each case reach a determination that there has been a violation of the Ordinance or that there has not been a violation. In those cases where no violation is found, both the complainant and the subject of the complaint will be notified.

In those cases where a violation is found, the Commission will notify both the complainant and the subject(s) of the complaint, and will determine what enforcement measures should be applied, pursuant to Sec. 2-59 (a) through (f), the “Enforcement” provision of the Public Ethics Ordinance. In every case where the Commission finds a violation, the Commission shall issue a written opinion explaining its findings. Pursuant to Sec. 2-59(f) of the Ordinance, any finding of a violation of the Ordinance by the Commission is public information.