

Brookfield Board of Ethics
Brookfield, Connecticut 06804

Procedure for Processing a Complaint (12/03/14 rev.)

I. Definitions:

Board: refers to the Board of Ethics. All actions shall be by a majority of the Board.

Respondent: person(s) against whom complaint has been filed

Complainant: person(s) filing complaint

Complaint Petition: form used in filing a complaint, hereinafter referred to as Complaint.

Days: business days. The days listed for various events shall be amended by the Board of Ethics only for the most extraordinary reasons, and for the briefest period of time practicable.

Probable cause: reason to believe that the infraction alleged and the evidence provided would enable a person to conclude that the alleged infraction could have occurred.

Findings of Fact: facts provided in the Complaint and during the hearing that the Board will use to compile the facts pertinent to the Complaint.

II. Filing a Complaint Petition

A. The Complaint shall be sent to the Town Clerk on the form adopted by the Board of Ethics. The form is available on the Town website and in the Town Clerk's office.

B. The Town Clerk will make four (4) complete copies of the Complaint and shall inform, by email, within five (5) business days, the members of the Board of Ethics and the Respondent. The Board and Respondent shall pick up the complaint information at the Town Clerk's office.

C. All Board procedures related to the Complaint shall be confidential until the Board determines probable cause, unless Respondent wishes the proceedings to be made public.

III. Probable Cause: The Board shall conduct a probable cause investigation of the Complaint and any material provided within twenty (20) business days of being notified by the Town Clerk of the Complaint's having been filed.

A. The Board shall determine the following:

1. Whether the Respondent is an elected or appointed official in Town or an employee of the Town.
2. Whether the act(s) alleged in the Complaint, if proven, would constitute a violation of the Charter or Code of Ethics Ordinance of the Town of Brookfield.
3. Whether sufficient evidence has been provided to warrant further proceedings.
4. Whether the complainant or the circumstances complained of, are governed by a collective bargaining agreement, personal employee contract, or other agreement or

policy, the provisions of which would take precedence over this article.

B. The Board will determine, by majority consensus, whether probable cause is present, and will inform in writing within five (5) days of the conclusion of the hearing, the Complainant and Respondent.

C. If the Board determines that the circumstances complained about are subject to a collective bargaining agreement, personal employee contract, or other agreement or policy applicable to the Respondent, the Board shall pursue one of the following:

1. Transmit, within five (5) business days of the conclusion of the probable cause investigation, copies of the Complaint and the Board's probable cause conclusion, to the appropriate forum having jurisdiction.
2. The Board shall further take one of the following actions:
 - a. Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision on the matter
 - b. Relinquish jurisdiction to the appropriate forum and close the file on the complaint.

D. If the Board determines that the subject of the Complaint is not covered by a collective bargaining agreement, personal employee contract, or other agreement or policy, and that probable cause exists that the Complaint might be a violation of the Charter or Code of Ethics, the Board shall, within twenty (20) business days of the conclusion of the probable cause investigation, schedule a hearing to determine the merits of the Complaint.

E. Once probable cause has been determined, the Board shall make public the Complaint and all documents related to that.

IV. Hearing:

A. The following persons shall appear at the Board's hearing: Complainant and Respondent, and witnesses called by the Complainant or Respondent. Respondent may also bring counsel.

B. The Chair of the Board shall swear in all parties, including any witnesses.

C. The Complainant shall be allowed to present evidence, including documentation and witnesses.

D. The Respondent (and that person's counsel) shall have the right to cross-examine all witnesses against him/her, and present evidence and witnesses on his/her behalf.

E. The Board shall schedule additional hearing sessions if needed.

F. At the conclusion of the presentation of evidence by both parties, the Board shall deliberate. Said deliberation may occur immediately at the conclusion of the hearing, or may be scheduled for another time, provided that deliberation is finished within ten (10) days of the conclusion of the hearing. Deliberations will be conducted in public session.

I. The Board shall, within five (5) days after the conclusion of its deliberations,

1. Produce Findings of Fact.

2. Render a decision as to the merits of the Complaint.

a. If the Board determines the Complaint is with merit, the Board shall forward to the Board of Selectmen its Findings of Fact and a recommendation as to the disposition of the Complaint.

b. If the Board determines the Complaint is without merit, the matter will be closed and no recommendation shall be made to the Board of Selectmen.

V. Board of Selectmen

Board of Selectmen shall consider the Findings of Fact and recommendation of the Board of Ethics.

Date of approval: May 20, 2008

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