

**Charles County Ethics Commission
Rules of Procedure**

1. The Charles County Ethics Commission consists of 5 members and 1 alternate. A quorum is three.
2. The Commission shall meet at the call of the Chairman, but at least once every quarter of a year.
3. The Commission shall meet as necessary to issue advisory opinions or to conduct proceedings related to complaints. All proceedings shall be open to the public except as provided in the Code of Ethics with respect to complaints. The Commission is the advisory body responsible for interpreting the Code of Ethics and advising persons subject to the Code of Ethics regarding its application.
4. The concurrence of three members shall be required for an advisory opinion or a final determination of a complaint.
5. The Charles County Attorney shall assist the Commission in carrying out the Commission's duties. If a conflict exists for the County Attorney in a specific matter, the County shall provide sufficient funds for the hiring of independent counsel for the duration of the conflict.
6. The Commission shall hear and decide, with the advice of the Charles County Attorney or independent counsel, if authorized, all complaints filed regarding alleged violations of the Code of Ethics by any person.
7. The County Attorney shall retain as a public record all financial disclosure forms submitted by any person for at least four years after receipt by the Commission.
8. Any person subject to the Code of Ethics may request an advisory opinion from the Commission concerning the application of the Code of Ethics. The request shall be a public record, with the identity of the requestor deleted. The Commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this chapter based on the facts provided or reasonably available to the Commission within 60 days of the request.
9. Any person may file a complaint with the Commission alleging a violation of any of the provisions of the Code of Ethics.
10. The Commission may dismiss a complaint that fails to allege a violation of the Code of Ethics or permit an amendment of a deficient complaint or refer a complaint to the Charles County Attorney, or independent counsel, if authorized, for investigation and review.

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11. The Commission may dismiss a complaint if, after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation.
12. If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing, or to otherwise respond to the Commission concerning the complaint.
13. A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law. The form and legal sufficiency of the findings and conclusions shall be approved by the County Attorney, or independent counsel if authorized.
14. Upon finding of a violation, the Commission may take any enforcement action provided for in the Code of Ethics.
15. After a complaint is filed and until a final finding of a violation by the Commission, all actions, including any enforcement or other judicial action, regarding a complaint are confidential.
16. Upon conclusion of the actions, including any enforcement or other judicial action, regarding a complaint, a finding of a violation is public information.
17. The following provisions apply to all complaints:
 - a. The complainant is not a party to any proceedings regarding a complaint and is not entitled to any notice or information regarding the complaint, other than acknowledgment of receipt of the complaint, or information to which the public may be entitled.
 - b. The subject of a complaint shall be provided with a copy of the complaint within 5 days after the next meeting of the Commission. Unless the complaint is dismissed pursuant to Section 170.04(k)(3), the subject of the complaint shall be given an opportunity to respond in writing prior to commencement of any investigation.
 - c. The subject of a complaint may be represented by counsel at all stages of the proceeding.
 - d. If the complaint is not dismissed pursuant to Section 170.04(k)(3) or (k)(4), the subject of a complaint shall be given access to all information, documents and tangible objects received or acquired by the Commission in sufficient time to prepare for a hearing or to otherwise respond to the complaint.

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- e. The examination of witnesses at a hearing shall be conducted on behalf of the Commission by the County Attorney, or independent counsel if authorized. Members of the Commission may also question witnesses as to relevant and material matters.
 - f. At a hearing, the subject of a complaint shall have the right to introduce evidence, the right to question witnesses, the right to testify and the right to be heard.
 - g. The formal rules of evidence shall not apply at a hearing; provided, however, all statements shall be under oath and the authenticity of any document shall be established.
 - h. At any time after the filing of a complaint, the Commission and the subject of a complaint may enter into an agreement that the complaint will be dismissed, if a dismissal would not be inconsistent with the purposes and policies of the Code of Ethics, upon compliance with condition(s) that the subject of the complaint will take specified actions to cure the violation(s) and that the subject will take any other specified actions, including a penalty or remediation, that the Commission may lawfully impose.
 - i. At any time after the filing of a complaint, if the complaint alleges the commission of a criminal offense, or if the Commission has reasonable grounds to believe that the subject of the complaint has committed a criminal offense, the Commission shall promptly refer the matter to the appropriate prosecutorial authority, suspend further proceedings, and forward all information received or acquired by the Commission to that authority.
18. The Commission shall not comment on any person or the conduct of government except in an advisory opinion or in the final determination of a complaint. This provision shall not limit the exercise of the right to free speech by any member of the Commission acting in the member's individual capacity as a citizen subject to the protection of all confidential material.

Adopted this 23rd day of January, 2013 by the Charles County Ethics Commission.



Rev. Robert Buehler, Acting Chairman