

**CITY OF EASTON
BOARD OF ETHICS**

123 South Third Street
Easton, Pennsylvania 18042

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COMPLAINT FORM

A. INSTRUCTIONS

1. Complete all sections of the complaint form. Incomplete forms will not be processed.
2. Give the specific name and home address of the person about whom you are complaining. If you are complaining about more than one person, use a separate complaint form for each person. You may photocopy or reproduce this form if you need more forms.
3. Provide a detailed account of the activity that is alleged to be in violation of Article VII of the Home Rule Charter of the City of Easton and/or Chapter 54 of the codified Ordinances of the City of Easton (“Code of Ethics”). Please ensure that all allegations relate to specific individuals. If you are not sure that the Board of Ethics has jurisdiction over the conduct or individual in question, visit the Board Website, refer to the Home Rule Charter and Code of Ethics, or contact the Board of Ethics.
4. Enclose records, documents, minutes, etc., that support your allegations.
5. Sign the form and have a notary public sign, date, and note the date their Commission expires. If using the on-line form, you can complete the required information on-line, however; when finished you must print it out and manually sign it in the presence of the notary public.
6. The Board will only investigate activities within five (5) years of occurrence of the alleged violation.

B. IMPORTANT NOTICE

Any person filing a complaint with the Easton Board of Ethics should be aware of the following:

1. Prohibited Retaliation

No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion or threaten to do so for filing a complaint with or providing information to the Commission, or testifying in any Commission proceeding (Ordinance Section 56-4J).

2. Confidentiality

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process (Ordinance Section 56-4K).

3. Penalties

Section 54-5 of the City Ordinances authorizes the Board to impose penalties for violations (Ordinance Section 54-5).

4. Wrongful Use of Board of Ethics Process

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on facts. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited, and those individuals engaged in such conduct may be subject to penalties as set forth in § 54-5. Wrongful use of the Code of Ethics is defined as:

- (a) Filing an unfounded, frivolous, or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this chapter. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this chapter or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
- (b) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

C. INFORMATION TO BE PROVIDED

1. Identify the person you are complaining about.

Name: _____

Address: _____

Position or Title: _____

Work Phone Number: _____

Home Phone Number: _____

2. Explain in detail why you believe that the individual named above may have violated Article VII of the Home Rule Charter of the City of Easton and/or Chapter 54 of the Codified Ordinances of the City of Easton. Attach an extra sheet of paper if necessary.

3. Attach or make reference to any documents, materials, minutes, resolutions of other evidence which supports your allegations.

I swear of affirm, under penalty of perjury that the facts set forth in this complaint are true and correct to the best of my knowledge and belief. I also swear and affirm that I have read and understand the prohibited retaliation, confidentiality, and wrongful use of Board of Ethics process provisions on the first page of this form.

Signature

Print/Type your name: _____

Home Address: _____

E-mail Address: _____

Work Phone Number: _____

Home Phone Number: _____

4. Sworn to and subscribed before me

This _____ day of _____, 20_____

Notary Public

My Commission expires on: _____

Mail This Completed Form To:

**Board of Ethics of the City of Easton
123 South Third Street
Easton, Pa 18042**

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Frequently Asked Questions About Filing an Ethics Complaint

Who may file a complaint?

Any individual may file a complaint concerning alleged violations of Article VII of the Home Rule Charter of the City of Easton and/or Chapter 54 of the Codified Ordinances of the City of Easton.

How do I file a complaint?

Complaint forms are available on the Easton Board of Ethics web page on the City of Easton Website. Paper forms are also available upon request from the Board of Ethics. The complaint should state the name, job or office held by the subject of the complaint, and a description of the facts which are alleged to constitute a violation. Complaints must be sworn before a notary public.

What constitutes a violation of Article VII of the Home Rule Charter of the City of Easton and/or Chapter 54 of the Codified Ordinances of the City of Easton?

Please review the provisions of Article VII of the Home Rule Charter of the City of Easton and/or Chapter 54 of the Codified Ordinances of the City of Easton. Both are accessible on the City of Easton website.

What can I expect after a complaint is filed?

The Board will initially acknowledge receipt of the complaint.

- If a matter is not within the Board's jurisdiction or if the complaint lacks sufficient information, it will not be processed and the complainant will be notified.

- Upon receipt of a sufficient complaint, the Board may initiate a preliminary inquiry. A preliminary inquiry must be completed within 60 days, after which it must either be terminated or opened as a full investigation.
- If after a preliminary inquiry the matter is terminated, both the complainant and subject of the inquiry will be notified. If a complaint is frivolous, the Board must so state.
- The subject of an investigation must be notified prior to the initiation of a full investigation of the allegations against said person.
- The complainant will be notified within 72 hours of the commencement of a full investigation, and both the complainant and subject of the investigation will be notified every 90 days thereafter of the status of the matter.
- If a full investigation has been conducted, upon the conclusion of the investigation, the subject of the complaint will be issued a findings report containing the relevant finding of fact.
- The subject will be afforded a full and fair opportunity to challenge the findings and allegations. This may include evidentiary hearings and arguments of law.
- Upon the conclusion of the proceedings, the Board will issue a final order containing findings and fact and conclusions of law. Final orders issued by the Board may be appealed.
- The Board may choose to forward your complaint to the Pennsylvania State Ethics Commission for handling.

How long will an investigation take?

- The Board initially conducts a preliminary inquiry to determine if there is reasonable cause to indicate if there has been a violation. Preliminary inquiries must be completed within sixty (60) days.
- If there is reasonable cause to believe there has been a potential violation, the Board will conduct a full investigation. The investigation must be completed within one hundred-eighty (180) days.

Will the complaint be confidential?

The Board will keep proceedings and records relating to any preliminary inquiries and investigations confidential (this includes the identity of the complainant, unless there has been a wrongful use of the Board of Ethics as defined below).

The Board may disclose information or records regarding a preliminary inquiry or investigation in relation to:

- Final orders of the Board which become public.
- Hearings conducted in public, as provided by law.
- Appeals of Board orders.
- Seeking the advice of legal counsel.
- Consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency.
- Testifying under oath before a governmental body or a similar body of the United States of America or Commonwealth of Pennsylvania.
- The provision of discovery materials to the subject of an investigation, as required by law.

Are there protections for a complainant or witness?

No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion, or threaten to do so for filing a complaint with or providing information to the Board or testifying in any Board proceeding.

What is a wrongful use of the Board of Ethics?

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on facts. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited, and those individuals engaged in such conduct may be subject to penalties as set forth in Section 54-5. Wrongful use of the Code of Ethics is defined as:

- (1) Filing an unfounded, frivolous, or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this chapter. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this chapter or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
- (2) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

What are the penalties for violations?

See Section 54-5 Violations and penalties: of the City Ordinance, which states:

- By admonition; public censure; recommendation of a suspension or a termination in compliance with existing personnel practices and collective bargaining agreements; referral to the appropriate authorities for criminal prosecution in cases where a violation of this chapter is also a violation of federal or state law; ineligibility for holding any office or position within the City for a period of up to five years, as set forth in § C-7.02B of the City of Easton Home Rule Charter; imposition of a fine not to exceed \$1,000 per violation; imposition of an administrative fine of not more than \$1,000 to defray the actual cost and expense of investigating any violation.
- Any person who realizes financial gain by way of a violation of any provision of this chapter, in addition to any other penalty provided by law or this chapter, shall pay into the treasury of the City a sum of money up to the financial gain resulting from the violation. The Board of Ethics shall determine the amount of financial gain realized.
- Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this Code of Ethics may be barred from participating in business dealings with the City for a period of time not to exceed five years, said period of time to be

determined by the Board of Ethics, in addition to being subject to any other penalty prescribed by this chapter.

- Any contract between the Easton municipal government, municipal authority or agency to which this Code of Ethics applies and another party shall be voidable or rescindable at the option of City Council at any time within a period of 90 days from the date of execution of such contract if any officer, Council person, elected official, member or employee of the Easton City government or any municipal authority or agency thereof has any financial or personal interest in such contract and does not disclose such interest in accordance with § 54-2 of this article.