

**BOARD OF ETHICS  
COMPLAINT PROCEDURES**

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**PURPOSE AND INTENT**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Hamlin recognizes that there are rules of ethical conduct for public officers, employees and consultants which must be observed if a high degree of moral conduct is to be maintained in our unit of local government. The proper operation of the Town government requires that its officers, employees and consultants be independent, impartial, objective, unbiased and responsible to the people of the Town of Hamlin. It is the intent of these procedures to serve as a guide for each complaint filed. It is the intention that all complaints will be treated equally with proper procedure, discretion and seriousness that it deserves. All matters before the Board are treated confidentially.

**GENERAL GUIDELINES**

1. All correspondence, either written or verbal, between the committee and all parties will go through the Chair. If anyone other than the Chair receives correspondence or questions, they should be directed to the Chair.
2. All meetings with individuals, other than Ethics Board members only, will be held on Town property.
3. If other elected officials or employees are asked about a pending complaint, they should respond "I cannot speak with you about any matter before the Board of Ethics" and then direct them to address any inquiries to the Board Chair.
4. All complaints or inquiries must relate to the Town's Code of Ethics. (See Town of Hamlin Website.)
5. All information acquired by the Board in the performance of their review and duties is considered confidential and is not to be disclosed, except upon request of the respondent as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.
6. All opinions and recommendations will be submitted to the Town Supervisor.

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**PROCEDURES**

1. The Board of Ethics shall convene at least twice a year and at such times as otherwise may be necessary based on complaints filed.
2. A written request must be completed on the adopted “Complaint Form” and submitted in a sealed envelope to the attention of the Chair of the Ethics Board and mailed or delivered to the Chair of the Board of Ethics or to the Town Clerk for personal delivery to the Chair..
3. When the Chair of the Board of Ethics receives the complaint, he/she will advise the Supervisor of the general nature of the complaint and will convene the Board at the earliest opportunity to evaluate the complaint for merit
4. If the Board determines that the complaint does not have merit, the Chair will provide written correspondence, to the Supervisor, detailing the reasons the complaint lacked merit or did not fall under the purview of the Board of Ethics. The Supervisor will review the Board’s recommendation and notify the complainant in writing with a copy to the Board of Ethics.
5. If the Board of Ethics considers the complaint to have merit, the Chair will schedule a meeting at which time:
  - a. The complaint is distributed and reviewed
  - b. Any potential conflict of interest between all parties listed in the complaint and member of the Board is investigated and discussed. If it is determined that a conflict of interest exists, the effected Board member(s) will recuse themselves.
  - c. A plan of action, a list of respondents and a schedule of meetings is developed.
  - d. The Chair will communicate the results of this meeting to the Supervisor and the estimated date the investigation will be completed.
6. Written correspondence will be provided to the person who submitted the complaint to schedule a meeting to discuss their complaint and how it applies to the Hamlin Ethics Policy and the potential violation that is alleged. They will be required to respond to the Chair.
7. If the complainant refuses to meet with the Board, the Board will deny the complaint and provide written correspondence to the Supervisor about the disposition of the complaint.
8. If the Board meets with the complainant, it will discuss the merits. If the Board decides to continue, it will schedule a meeting with the respondent who allegedly violated the code in order to obtain information deemed necessary to evaluate the complaint.

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9. If the respondent does not respond to the correspondence for a meeting with the Board, the Board will issue a letter to the Supervisor asking for further directions. The Supervisor may direct the Board to:
  - a. Provide a second request to the respondent.
  - b. Dismiss the complaint.
  - c. Render an advisor opinion based upon the information gathered.
10. Once the Board has the opportunity to meet with the respondent, it will discuss the complaint and how it applies to the Ethical Policies adopted. The respondent will be requested to provide the background information and any other information that is useful in evaluation of the complaint.
11. The Board will meet with other individuals when deemed necessary to gather information to verify the facts and circumstance of the incident and how it applies to the Ethics Policies.
12. After all of the information is gathered, the Board will schedule a meeting to discuss all of the information and evaluate the facts and how they apply to the Town's Code of Ethics.
13. Written correspondence will be provided to the Supervisor detailing the following:
  - a. Nature of the complaint and the individuals involved.
  - b. Pertinent sections of the Town's Code of Ethics that have been violated.
  - c. Findings and determinations based upon the facts gathered.
  - d. Recommendations
  - e. Opinions of each of the Board members as to whether they agree with the findings, determinations and recommendations of the Board.
14. The Supervisor will provide written correspondence to the complainant and respondent of the details he/she deem necessary to disclose.
15. Any further action will be determined by the Supervisor and the Town Board as deemed necessary.

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**RECOMMENDATIONS**

In addition to any penalty contained in any other provision of the law, any person who was found to have knowingly and intentionally violated any of the provisions of the code may be subject to the following recommendations:

- a. Discussion of circumstances with the Town Board
- b. Letter of reprimand
- c. Additional training in specific areas or ethics
- d. Termination of employment or removal from office

The recommendation from the Board will be based upon, but not limited to the following:

- a. Severity of the violation.
- b. History or pattern of the individual.
- c. Benefit to the individuals involved based upon the violation.