

# **PROCEDURES OF THE BOARD OF ETHICS**

## **For the Town of Yorktown**

### **RECEIPT AND INVESTIGATION OF COMPLAINTS**

A complaint is a concern conveyed to the Board of Ethics in writing regarding allegations of violations of the *Ethics Code of the Town of Yorktown* and/or the *General Municipal Law of the State of New York*.

As established by law, The Town of Yorktown Board of Ethics shall have such powers and duties as shall be provided by or pursuant to, Article 18 of the General Municipal Law of the State of New York and Ethics Code of the Town of Yorktown.

#### **General Protocol:**

1. All complaints will be reviewed by the Board of Ethics in a closed session.
2. The members of the Board of Ethics may seek to obtain information on matters before it, provided that the majority of the members of the Board of Ethics agree with such a course of action.
3. Discussions held in closed session shall remain confidential and will not be disclosed.
4. Board members shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual, potential, or which may create an appearance of a conflict of interest.
5. All actions, decisions and recommendations of the Board of Ethics shall be by majority vote.
6. Except to the extent such records must be disclosed under the Freedom of Information Law, the complaint records shall remain confidential.

The procedure for Receipt and Investigation of Complaints shall be as follows.

#### **A. Receipt of Complaints:**

1. The written complaint should be signed and include the individual complainant's address, and set forth reasonable detail and any documentation of the facts alleged to constitute a violation of the Code of Ethics.
2. After the complaint has been filed and prior to any investigation undertaken of a complaint before the Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:

- i. The members of the Board of Ethics may discuss the complaint among themselves;
- ii. The members of the Board may obtain legal advice from the Town Counsel or special counsel as the case may be and
- iii. If any person attempts to influence or coerce a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at or before its next regular meeting.

**B. Initial Review of Complaint:**

The Board of Ethics shall conduct an initial Complaint Review resulting in one of the following steps:

1. Completeness of Complaint – Complaint is returned for more information or clarification;
2. Dismissal – In the event the Board of Ethics finds no substance to the complaint, it will be dismissed;
3. Referral to the Town Board – Should the written complaint allege a violation of law under the jurisdiction of the District Attorney, the matter shall be forwarded to the Town Board to take the appropriate action;
4. Acceptance of Complaint for Investigation - The Board now proceeds to Complaint Review.

**C. Informal Complaint Review:**

1. The Board of Ethics shall conduct an Informal Complaint Review and determine whether it warrants further investigation.
2. If the complaint is determined in the informal review to be within the jurisdiction of The Board of Ethics and provides a factual basis for investigation, the complainant will be notified of the receipt of the complaint. Otherwise, the Board of Ethics will advise complainant that the complaint does not warrant investigation.
3. If the complaint is accepted The Board of Ethics shall then proceed to the Formal Complaint Review.

**D. Formal Complaint Review:**

1. The Board of Ethics shall then conduct an investigation of the complaint against the officer, employee, or member of the Town Board.
2. The officer, employee, or member of the Town Board who is the subject of the complaint, shall have the right to be represented by counsel at any required appearance before the Board of Ethics.
3. The officer, employee, or member of the Town Board who is the subject of the complaint, shall be afforded an opportunity to present evidence to the Board of Ethics. In the absence of such evidence, the Board may conduct its investigation and reach its conclusions based on the evidence available.

**E. Advisory Opinion:**

At the conclusion of its investigation, the Board of Ethics shall render an Advisory Opinion in writing to the Town Board.

Town of Yorktown  
BOARD OF ETHICS

**COMPLAINT FORM**

Definition: A Complaint is a concern conveyed to the Board of Ethics in writing regarding allegations of violations of the Town of Yorktown Ethics Law or Article 18 of the General Municipal Law of the State of New York.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

NAME OF THE OFFICER(S), EMPLOYEE(S) OR BOARD MEMBER(S) WHO IS/ARE THE SUBJECT OF THE COMPLAINT:

Names(s): \_\_\_\_\_

Date(s) of alleged violation(s): \_\_\_\_\_

Nature of  
Complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List or attach documentation  
available: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Print your name: \_\_\_\_\_

Title: \_\_\_\_\_