

Town of Corning Ethics Board Procedures

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Town of Corning Ethics Board

1) Mission Statement

As members of the Ethics Board for the Town of Corning, we are committed to providing performance and counsel of the highest quality to help facilitate implementation and interpretation of the Town's Ethics Law. We pledge to treat all persons in an evenhanded, respectful and courteous manner. We dedicate our efforts to earning the respect, trust, and confidence of the public and Town officials by acting with integrity, nonpartisanship, and confidentiality. Our pledge is to conform to applicable laws, regulations and the highest professional standards. Ethics Board members are committed to making decisions that will be guided by ethical principles.

Town Of Corning Ethics Board

2. Procedures for Submission, Receipt and Investigation of Complaints

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

As established by law, The Town of Corning 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 the Ethics Law of the Town of Corning.

General Protocol:

1. Complaints will be reviewed by the Board of Ethics in a closed session if the issue complies with the closed session rules stated in Public Officers Law, Article 7, Section 105 Conduct of Executive Sessions. All other complaints will be reviewed by the Board of Ethics in open 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 Submission, Receipt and Investigation of Complaints shall be as follows:

A. Submission and 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 Corning Ethics Board

Complaint Form

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

Name: _____

E-mail: _____ Phone: _____

Address: _____

Name of Town Officer(s), Employee(s) or Board Member(s) who is/are the subject of this complaint:

Names(s): _____

Date(s) of alleged violation(s): _____

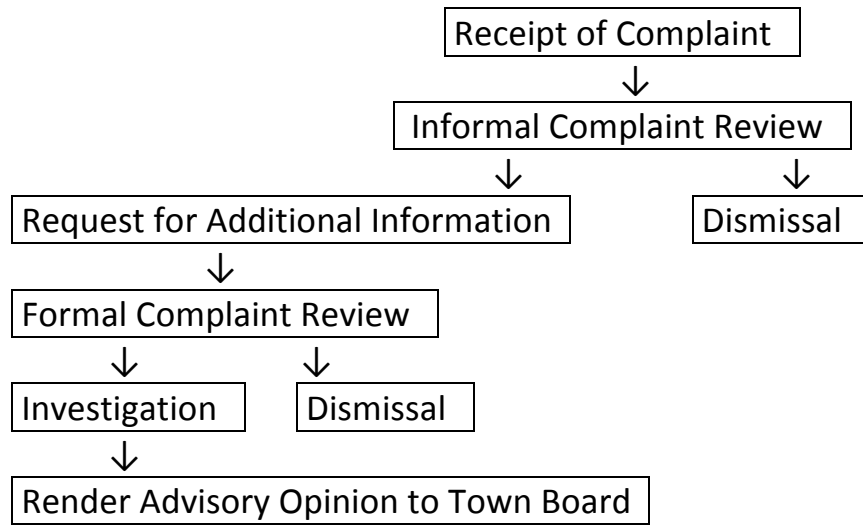
Nature of Complaint: _____

List or attach documentation available: _____

Signature: _____ **Date:** ____/____/____

Print your name: _____ **Title:** _____

Ethics Complaint Flow Chart



Town Of Corning Ethics Board

3. Advisory Opinions

A. An Advisory Opinion is generally sought regarding one's own contemplated action, or status for guidance in interpreting the Town Ethics Law or Article 18 of the General Municipal Law. It is not sought regarding the actions or perceived unethical situations and /or behaviors of others.

1. A request for an Advisory Opinion of the Board of Ethics should be made in writing.
2. Any minutes, written or recorded, regarding a Request for an Advisory Opinion are confidential.
3. Any individual subject to the Town of Corning Code of Ethics may obtain an Advisory Opinion.
4. The Advisory Opinion may be given in writing, at the discretion of the Board of Ethics.
5. Advisory Opinions may be discussed in executive session.

B. Except to the extent such records must be disclosed under the Freedom of Information Law, all records shall remain confidential.

C. The members of the Board of Ethics may seek to obtain information on matters before it.

D. 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 the appearance of a conflict of interest.

Town Of Corning Ethics Board

Request for an Advisory Opinion

Definition: An Advisory Opinion is generally sought from a Town official or employee regarding one's own contemplated action in which the person making the request needs an interpretation of the Town Ethics Law or Article 18 of the General Municipal Law. It shall not be sought regarding the action and/or behaviors of others.

The following information is needed for the Board of Ethics to address your concern:

Name: _____

E-mail: _____ *(This information will not be shared.)*

Phone: _____ *(Please note best time of day to call and whether leaving a voicemail message is permissible.)*

Address: _____

Nature of Concern (Please be specific):

Description: _____

Notation: You may request to meet with the Board and/or the Board may ask to meet with you.

Signature: _____ **Date:** ____/____/____

Print your name: _____ **Title:** _____

Advisory Opinion Flow Chart

