

ETHICS COMPLAINT PROCEDURE FOR THE TOWN/COUNTY OF MENOMINEE

The following constitutes the process for handling ethics complaints pursuant to the Code of Ethics for Menominee County/Town Officials and Employees:

THE COMPLAINT:

The complaint shall be submitted by regular or electronic mail to Corporation Counsel within 10 business days of the occurrence of the event giving rise to claim. The failure to submit complaint in a timely manner results in complaint being dismissed.

Upon request, the county will provide a form providing for the contents of complaint. The complaint shall contain the name, mailing address, email address (if applicable) and telephone number of the person advancing the claim, the name and capacity of official or employee alleged to have violated Code of Ethics and a statement of material facts constituting violation of the code, signed before a notary public.

Upon receipt of the complaint, Corporation Counsel shall forward a copy of the complaint to the Chairperson of The Ethics Inquiry Board (Board) and Menominee County Clerk by regular and electronic mail within 10 days.

PROBABLE CAUSE DETERMINATION:

The Board shall, within 10 business days of receipt of the complaint by the Chairperson, make a determination if there is probable cause for the scheduling of a hearing on the merits.

The board shall make a finding of probable cause if there are reasonable grounds for the complaint, supported by facts and circumstances alleged, which are strong enough without further investigation or inquiry, to warrant a prudent person to believe that a violation probably has been committed.

If it is determined by the Board that there is probable cause to proceed, a hearing shall be scheduled.

If it is determined by the board there is no probable cause to proceed, the complaint will be dismissed.

NOTICE OF HEARING:

Upon a determination of probable cause by the Board, Corporation Counsel shall notify the accused officer or employee of the charge, which notification shall include the violations of the Code of Ethics being alleged and that the officer and employee has the following rights:

- A. Right to counsel
- B. Right to submit evidence
- C. Right to cross examine witnesses

- D. Right to request subpoenas be issued by the Board
- E. Right to have a record of the hearing, as determined by the Board

THE HEARING:

The Board shall schedule a hearing to make a fact finding determination. The order of proof at the hearing shall be presentation of evidence first by the complainant, then by the accused officer or employee if he or she so chooses and finally the right to rebuttal by the complainant.

The burden of proof applicable at hearing shall be clear, satisfactory and convincing evidence defined as a medium level of proof that by virtue of the evidence presented it is highly and substantially more probable than not that the allegations in the complaint are true. The burden is higher than a likelihood but does not require proof beyond a reasonable doubt.

Witnesses shall be sequestered during the presentation of evidence.

Corporation Counsel shall direct the proceedings and provide advice to the Board during the proceeding and during deliberations, which shall be closed.

THE DECISION:

The Decision of the Ethics Inquiry Board shall include findings of fact and conclusions of law. The Decision, together with recommendations, shall be forwarded to the County Clerk for placement on the agenda of the Board of Supervisors. The Decision shall be signed by all members of the Board.

If the Ethics Inquiry Board determines the complainant has not met his or her burden of proof, the complaint shall be dismissed.

REHEARING:

Within 20 days after mailing Decision, the officer or employee shall have the opportunity to request a rehearing only if there is proof of newly discovered evidence, not available during the first hearing or fraud.

REMEDIES:

Remedies available under the Code of Ethics include the following:

- A. Order compliance with code
- B. Pay forfeiture enforceable through payroll deductions
- C. Order censure, suspension with/without pay
- D. Reprimand, private/public
- E. Option to refer to District Attorney
- F. Other appropriate action

Adopted by the Ethics Inquiry Board on October 27, 2016