

## **PROCEDURES FOR THE TOWN OF BEEKMAN BOARD OF ETHICS**

### **ADVISORY OPINIONS**

1. Pursuant to §19-8 of the Beekman Town Code, the Beekman Board of Ethics shall render advisory opinions to Town officers, employees, professionals, consultants and agencies with regard to the Code of Ethics and Article 18 of the General Municipal Law.
2. All requests for advisory opinions shall be submitted to the Chairman of the Board of Ethics.
3. All requests for advisory opinions must be in writing and signed by the Town officer, employee, professional, consultant and agency requesting the advisory opinion.
4. Such advisory opinion will be rendered if practicable, within thirty (30) days after the written request. The thirty (30) day time period may be extended an additional thirty (30) days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional thirty (30) days upon notification to the Town Board that a particular matter is under investigation and an additional extension of time to render an advisory opinion is required. In any event the Board shall render its opinion, in writing, no later than one hundred (100) days from the date of receipt of the written request.
5. Unless specifically requested by the individual or party requesting an advisory opinion, such opinions shall not be made public or disclosed, unless required by the Freedom of Information Law, pursuant to a Judicial Subpoena, or required in a disciplinary proceeding involving an officer or employee.

### **COMPLAINTS**

1. Pursuant to §19.8 of the Town Code, the Board of Ethics shall have the power and duty to conduct investigations upon receipt of a sworn complaint by any citizen alleging a violation of the Code of Ethics or of Article 18 of the Municipal Law, or upon its own determination that such a violation may exist.
2. All complaints alleging a violation of the Code of Ethics or Article 18 of the General Municipal Law, must be made in writing and include the signed name and address of the complainant. All complaints must be sworn or affirmed as true under the penalty of perjury.
3. (a) Upon receipt of a complaint, the Board of Ethics shall make an initial determination to determine whether upon its face, the complaint alleges a violation of the Town Code of Ethics or Article 18 of the General Municipal Law.

- (b) If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Board shall notify the complainant of its determination in writing.
  - (c) If a determination is made that a violation of the Code of Ethics is alleged by complainant, the Board shall notify in writing, the person against whom the complaint is made, the nature of the complaint and the provision of the Code allegedly violated.
  - (d) The officer or employee charged with the violation shall have fifteen (15) days from the receipt of notice of the alleged violation to respond in writing to the Board of Ethics notice of alleged violation. The fifteen (15) calendar day time period may be extended an additional fifteen (15) calendar days at the Board of Ethics's discretion. The response shall either admit the violation or state facts supporting a denial of the charges.
  - (e) If a charge is denied, the Board of Ethics shall either dismiss the charge, if the facts presented so warrant, or conduct a hearing or investigation.
  - (f) A fact hearing shall consist of sworn testimony, affidavits and documentary evidence that the Board of Ethics may allow. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against him or her. The strict rules of evidence under the laws of the State of New York shall not apply to the hearing. The Board may direct a hearing be recorded and transcribed.
  - (g) Such hearing shall be confidential to the extent that the confidentiality of such hearing does not violate the New York Public Officers Law and Open Meetings Law.
4. Upon completion of any investigation and/or hearing, the Board of Ethics shall render to the Town Board a written confidential report of its findings, opinions or recommendations, which report shall be provided to the subject of the investigations. Such a decision shall be rendered, if practicable, within thirty (30) days of the completion of the investigation and/or hearing. No determination may be made based solely upon hearsay evidence. The complainant will be advised when a determination has been forwarded to the Town Board, but the results shall remain confidential to the extent allowed by law.
5. Consistent with §19-8 of the Town Code, with respect to all complaints and investigations and other related deliberations and findings, the Board of Ethics shall hold such matters in confidence and meet in closed executive sessions to the fullest extent allowable by applicable law.