

TOWN OF MARBLETOWN
BOARD OF ETHICS

PROTOCOL FOR ADMINISTRATION AND
RESOLUTION OF REPORTS AND COMPLAINTS

This protocol is to be used to administer and resolve any report of a concern or complaint regarding allegations of violations of the Ethics Code (Article 24) of the Town of Marbletown

<https://ecode360.com/MA1321?needHash=true> and/or Article 18 of the General Municipal Law of the State of New York.

General Protocol

1. Any report to the Board of Ethics must be on the Form prescribed by the Board of Ethics, see **HERE** or in a writing containing all information required by the Form. Any form or writing which is incomplete will not be processed under this protocol.
2. Any complaint must be verified under oath by a notary public and based on personal knowledge of the person signing the complaint, and shall at a minimum (a) bear the legible signature of the person filing the complaint, including that person's printed name, physical address, email address and telephone number, (b) set forth in reasonable detail, with supporting documentation if appropriate, the conduct alleged to be a violation and citation(s) to the relevant sections of the law and (c) certify that the complainant does not have knowledge of any complaint or legal action pending before a court of administrative body relating to the matters described in the complaint.
3. One copy of the complaint form must be completed and verified. The original complaint and a copy of it must be placed in a sealed envelope addressed to the Board of Ethics of the Town of Marbletown, 1925 Lucas Avenue, Cottekill, NY, 12419, marked "confidential and personal" and, together with all supporting materials, either mailed by certified mail to or personally filed with the Town Clerk.

TOWN OF MARBLETOWN
BOARD OF ETHICS

PROTOCOL FOR ADMINISTRATION AND
RESOLUTION OF REPORTS AND COMPLAINTS

4. The Town Clerk shall, without opening the envelope, mark each complaint as “received”, assign a record number to the complaint and forward it to the Chair of the Board of Ethics for further distribution to the Board of Ethics. By virtue of the Town Clerk’s receipt of a complaint, there is deemed to be a request by the Town Board to the Board of Ethics for an advisory opinion, as contemplated by the Ethics Code.
5. If the complaint is against one of the members of the Board of Ethics, that member shall recuse themselves from all review, deliberation and administration of the complaint.
6. The Board shall, as an initial matter, review the report (a) for completeness and (b) to determine whether it alleges facts which, if true, would constitute a violation of the Code. If the report is found to be incomplete or to not allege a violation, the Board of Ethics will dismiss the report. The complainant may cure any such defects and resubmit the report thereafter.
7. The Board of Ethics shall provide written notice via the Town Clerk to the person named in the complaint of the existence of the complaint and a copy thereof. The named person shall have ten (10) days in which to deliver to the Board of Ethics via the Town Clerk a written response and any supporting materials.
8. In connection with any report and in addition to the written complaint and any written response, the Board of Ethics may request additional information or testimony but is not required to do so.
9. The Board of Ethics shall not process a complaint on a matter which is then pending before a court of law or administrative agency of the State. Prior to proceeding with any complaint, the Board of Ethics

TOWN OF MARBLETOWN
BOARD OF ETHICS

PROTOCOL FOR ADMINISTRATION AND
RESOLUTION OF REPORTS AND COMPLAINTS

shall inquire with the Town Board as to its knowledge of any such complaint or action.

10. The Board of Ethics shall, under normal circumstances, review any complaint and make a recommendation to the Town Board within thirty (30) days of the earlier to occur of (a) receipt by the Board of Ethics of a response from the respondent or (b) failure of the respondent to respond. The Board of Ethics may, for good reason and upon notice to the Town Clerk, the complainant and the respondent, extend this time to up to sixty (60) days.
11. If the Board of Ethics determines that the facts do not support a finding of a violation, the complaint shall be dismissed and a simple notice of dismissal, without further detail, shall be mailed to the complainant, the Town Board and the respondent.
12. If the Board of Ethics determines a violation has occurred, the Board of Ethics shall deliver written findings with a recommendation for sanctions or a range of sanctions to the Town Board. The Town Board shall review the recommendation, accept or reject the recommendation and determine the final sanctions. The Town Board may, instead, return the recommendation with specific comments and questions to the Board of Ethics with a request for further review.
13. All complaints will be reviewed by the Board of Ethics in a closed session which is not open to the public. Discussions of the Board of Ethics which are held in closed session shall remain confidential and will not be disclosed except as may be required by law.
14. Except to the extent such records must be disclosed by law, all Board of Ethics records relating to a complaint shall remain

TOWN OF MARBLETOWN
BOARD OF ETHICS

PROTOCOL FOR ADMINISTRATION AND
RESOLUTION OF REPORTS AND COMPLAINTS
confidential including without limitation any recommendations to the
Town Board.

15. The Board of Ethics, upon notice to the Town Clerk and any party to a complaint, may extend any notice period in this protocol for good cause as determined in good faith by the Board of Ethics.