

Tolland Ethics Commission

Investigative Procedure

Introduction:

Pursuant to Connecticut 7-148h of the Connecticut General Statutes, there shall be an Ethics Commission for the Town of Tolland which shall investigate allegations of conduct, prescribed by this Chapter and the Tolland Code of Ethics, corrupting influence or illegal activities levied against any official or employee of the Town and shall have the power to do so afforded by said Statute.

Procedure

1. The Commission shall receive complaints filed on the proper Tolland Code of Ethics Complaint Form, containing an original signature, signed under penalty of false statement, and received via US Mail or hand-delivered to the Town Manager's Office. Complaints submitted via fax or electronically will not be accepted due to privacy concerns.
2. The Commission shall formally receive and review complaints in Executive Session at an Ethics Commission Meeting no later than 14 business days after receipt of the complaint. The Ethics Commission will make an initial determination as to the complaint's merit and applicability to the Tolland Code of Ethics. If it is decided by the Commission that there is no probable cause to proceed further, then it may recommend dismissal. The Commission will advise the complainant of said dismissal, including a brief statement of the reasons for the findings. The complainant will be reminded that the complaint itself, the existence of the complaint and any information supplied to or received from the Ethics Commission shall remain confidential and may not be disclosed to any third party. No further action will be taken.
3. If the Commission decides that there is sufficient information to proceed, then they shall notify the Respondent(s) (person against whom the complaint has been filed) by certified mail, no later than 14 business days after the decision to proceed. A copy of the complaint shall accompany such notice. The Commission shall also provide notice of the decision to proceed to the Complainant.
4. The Commission shall then conduct a confidential preliminary investigation of the complaint to determine if probable cause exists. This investigation is confidential unless all respondents request it be open to the public. The Commission may also appoint an attorney to act as Special Counsel if deemed necessary at any point during the course of the investigation. The Special Counsel shall continue at the pleasure of the Commission and shall be compensated for his/her services on a case-by-case basis at the Town of Tolland's expense.

5. After completing its confidential preliminary investigation, the Special Counsel or Commission shall make a recommendation to either dismiss the complaint or to make a determination of probable cause.
 - a. If the Ethics Commission makes a finding of no probable cause, the investigation will be terminated, and the complaint dismissed. Within three business days after an investigation has been terminated, the Ethics Commission will inform both complainant and respondent of its finding and provide each the summary of its reasons for making that finding. Upon the respondent's request only, the Ethics Commission may publish the findings and the accompanying summary. All parties will be reminded that the complaint itself, the existence of the complaint and any information supplied to or received from the Ethics Commission shall remain confidential and may not be disclosed to any third party.
 - b. If the Commission makes a finding of probable cause, it shall set a date for a Public Hearing. Said hearing shall be held no later than 60 calendar days thereafter. The Commission shall give public notice of the date and time fixed for said hearing at least 14 business days before the hearing. Notice of the Commission's decision to hold a Public Hearing shall be given to the complainant, as well as to the Respondents, prior to publication of the Public Hearing notice.
6. Hearings shall be open to the public and shall be conducted in accordance with Town rules and regulations and State Statutes.
7. The Public Hearings of the Commission shall be recorded at the Town's expense.
8. The Commission shall, within 30 calendar days after the conclusion of the Public Hearing, render a decision. If there is a finding of probable cause, that finding must be made public within five business days. The Commission will file a memorandum of decision containing its conclusions and recommendations and shall either dismiss the complaint or shall recommend appropriate action to the Town Council, Town Manager, Superintendent of Schools or Board of Education (See Section 6.9 of the Tolland Code of Ethics).

This Investigative Procedure was accepted by a motion of the members of the Tolland Ethics Commission at its meeting on March 21, 2024.