

## **Ethics Commission FAQs:**

*What does the Ethics Commission do?*

The Ethics Commission is charged with enforcing Chapter 39 of the County Code on Ethics, including but not limited to the following duties:

- Ensure that all officials and employees covered by the ethics law properly complete statements of financial and gift disclosure, and that lobbyists file registration and gift disclosure reports.
- Issue advisory opinions.
- Liaison with the County Human Resources Department, which provides administrative and recordkeeping assistance to the Ethics Commission.
- Respond to and inform public regarding ethics rules, regulations, and requirements.
- Devise, maintain, and revise as necessary all ethics related forms and instructions.
- Review any complaints filed against those covered by the ethics law and decide based on the law and the facts whether a violation has occurred. If none found, communicate with parties the legal basis for the finding. In the case of a potential violation, initiate and oversee an investigation and, if necessary, conduct a hearing. Evaluate findings. If violation found to have occurred, decide appropriate punitive measures.
- Propose updates to the law as appropriate and necessary.

*How often does the Ethics Commission meet?*

Whenever necessary. Much of our business can be accomplished via e-mail or teleconference.

*Who is required to comply with the County Ethics Law?*

Re: Financial (including gift) disclosure: elected officials and candidates, county employees, and board and commission appointees.

Re: Conflict of interest rules: current and former elected officials, employees, and board and commission appointees.

Re: Registration and gift reports: Lobbyists.

*What exactly is a conflict of interest?*

Conflicts of interest in the ethics law concern actual or potential financial conflicts of interest or potential benefit, which s/he would be reasonably expected to know, between an official or employee's public duties and his/her personal, family, employer, business, or investment interests, or using one's position for the private gain of one's self or another.

*Which county employees are not subject to the county law?*

Under the law, the following employees, even if funded by the county, will be subject to the state ethics law, including financial disclosure requirements: Sheriff's Office, Health Dept., Dept. of Social Services, State's Attorney's Office, Clerk of the Court, and Register of Wills.

The School Board is subject to county and state law but is permitted to maintain and enforce its own policies and procedures in assuring compliance.

Finally, although all county employees are subject to the rules regarding prohibited conduct and the solicitation and receipt of gifts, under the law only certain employees will have to file the annual statement of financial disclosure for the prior calendar year, to include all appointed employees and department heads, and those with supervisory responsibilities or having input on agency policy, decision making, procurement, or budgetary matters.

*If I leave county employment or service am I still subject to the ethics law?*

Yes. Under the law former employees and officials (elected or appointed) are prohibited from representing a third party for compensation in a specific case, contract, or other matter involving the county, if that matter is one in which the former employee or official significantly participated.

In addition, there is a two-year prohibition on former County Council Members from representing another party for compensation in a matter that is the subject of legislative action.

*I was appointed to a County Board or Commission which is voluntary and not compensated. Do I have to file an annual financial disclosure statement?*

No. Under the law, you are only required to file a retroactive statement (for the preceding calendar year) if you accepted a gift. However, you are required to report *in advance* any anticipated potential or actual conflicts of interest. (Use Disclosure Form 3.)

*Who qualifies as a lobbyist?*

A lobbyist is defined as someone who personally appears before a county official or employee with the intent to influence that person in performance of the official duties of the official or employee; and, in connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment or other gifts for county officials or employees.

*If a public official is charged with breaking the law, does the Ethics Commission rule on it?*

Only if it is a violation specifically covered by the Ethics Code, and someone files a complaint. (The Ethics Commission also retains authority in special circumstances to initiate an investigation without a formal complaint.)

Other laws, such as employee theft, may fall under the criminal code; lesser offenses may be covered by the county's personnel policies. Still others may be under the Board of Elections. For example, the Ethics Commission does not monitor or have any jurisdiction over matters regarding campaign contributions.

*I'm unsure if a proposed course of action is permissible under the Ethics Code. What should I do?*

Please contact the Ethics Commission. Under the law, ALL employees and board and commission appointees are required to report *in advance* anticipated potential or actual conflicts of interest. Use Disclosure Form 3. You may also request a formal advisory opinion for clarification.

*If I suspect a public official or employee has an existing or potential conflict of interest, but am unsure of the law, may I contact the Ethics Commission for clarification?*

You certainly may.

*How are complaints handled? Does the Ethics Commission report their findings on a complaint?*

The law requires all complaints to be handled confidentially unless and until a violation is found, which then must be made public. If no violation is found, only the parties to the complaint are contacted.

*Is it true that if I file a complaint I can't talk about it?*

Yes. State and county law requires all parties to a complaint to keep it confidential unless and until a violation is found. (A citizen may still exercise their free of speech by publicly objecting to an official's actions, but they are not permitted to disclose that a complaint has been filed.)

*How do I get in touch with the Ethics Commission?*

Our contact info is available at

<http://www.ccgov.org/government/boards-and-commissions/ethics-commission>.