



ETHICS COMPLAINT PROCESS NARRATIVE

The following document details the Ethics Complaint Process in a step-by-step narrative and corresponding flowchart. This document is intended to assist members of the public in understanding the City of Denton's Ethics Complaint process; however, the Board of Ethics highly encourages any individuals who wish to submit an Ethics Complaint to refer to the full [Code of Ethics \(PDF\)](#).

Ethics Complaint Process: Preliminary Assessment

1. A Complainant must submit a **Complaint** on the proper Ethics Complaint Form to the City Auditor. A Complaint must be delivered by hand, via US mail, or to an email address publicly listed by the City Auditor.
2. The City Auditor has five (5) business days to determine if the Complaint is administratively complete and timely. If the Complaint is administratively complete and timely, proceed to step 5. If it is not, proceed to step 3.
3. If the Complaint is not administratively complete, the City Auditor must send a written deficiency notice identifying the required information to the Complainant within the same five (5) business day timeframe.
4. The Complainant has ten (10) business days to provide the required information once requested, or the Complaint is automatically deemed abandoned. If the Complainant provides the required information within ten (10) business days proceed to step 5. If the Complainant does not provide the information, proceed to step 10.
5. If the Complaint is **Accepted**, a Preliminary Assessment of the Complaint is conducted by a three-member Panel of the Board of Ethics. The City Auditor must provide notification that the Complaint was accepted to the Complainant, the Respondent, the City Attorney, and the Board of Ethics Chairperson within five (5) business days of acceptance. The Chairperson must designate the Panel members and assign the Complaint within five (5) business days of receiving the notification of acceptance. Preliminary Assessment meetings must be scheduled within ten (10) business days of the Complaints assignment by the City Auditor.
6. The Panel must determine if the Complaint, on its face, is **Actionable** – the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; the Panel's review is limited to the contents of the Complaint including all evidence submitted concurrently. Written notification of the Panel's determination must be filed with the City Auditor and forwarded to the Chairperson, Complainant, Respondent, and City Attorney within two (2) business days. If the Complaint is Actionable, proceed to step 14. If not, proceed to step 7.
7. If a Complaint is not Actionable, the Panel may consider recommending that a Hearing be first held on an accepted Complaint to determine if it may be **Frivolous**. The Panel may consider information not concurrently submitted as evidence as part of a consideration of the accuracy of statements made in the Complaint in order to make this recommendation. If the Panel recommends holding a Frivolity Hearing, proceed to step 14. If not, proceed to step 8.
8. If the Panel determines the Complaint is not Actionable and does not recommend a frivolity Hearing, the Complaint is **Baseless** – the allegations and evidence contained in the Complaint, if true, would not constitute a violation of the Ethics Ordinance – and is dismissed. Written notification of the Panel's determination must be filed with the City Auditor and forwarded to the Chairperson, Complainant, Respondent, and City Attorney within two (2) business days; written notification must include notice of right to Appeal.
9. The Complainant may Appeal the Panel's Baseless determination by filing a written notice of appeal with the City Auditor within ten (10) business days of the date of written notification. If the Complainant does not appeal the Panel's determination proceed to step 10. If the Panel's determination is appealed, proceed to step 11.
10. The Ethics Complaint is closed. If the Ethics Complaint was abandoned (refer to step 4), the City Auditor must send written notification that the Complaint was abandoned to the Complainant and Respondent.
11. Hearings should be scheduled by the City Auditor within thirty (30) business days of receiving the written notice of appeal.



12. If the Panel's Baseless determination is appealed, a Hearing is conducted by the full Board of Ethics to determine if the Complaint, on its face, is **Actionable** – the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; the Board's review is limited to the contents of the Complaint including all evidence submitted concurrently. The Board's final opinion from the Preliminary Assessment Hearing must be filed with the City Auditor and transmitted to the Complainant, Respondent, and City Attorney within ten (10) business days. If the Board determines the Complaint to be Actionable, proceed to step 14. If the Board upholds the Panel's Baseless determination, proceed to step 13.
13. The Complainant may request the Board reconsider its decision from the Hearing by filing a reconsideration request in writing with the City Auditor within five (5) business days of receiving the Board's final opinion. The **Reconsideration Request** must be sent to the Chairperson and Respondent. If the Chairperson, in their sole discretion, finds that the request includes new evidence that was not submitted at the Hearing and the new evidence bears directly on the Board's determination, the Chairperson must coordinate with the City Auditor to schedule a Hearing within thirty (30) business days after filing with the City Auditor. If new, relevant evidence is received, proceed to step 14. Absent new evidence return to step 10.

Ethics Complaint Process: Evidentiary Hearing

14. Evidentiary Hearings should be scheduled by the City Auditor within thirty (30) business days of receiving a Panel's determination that a Complaint is Actionable.
15. Before a Hearing occurs, the Board of Ethics may conduct a preliminary hearing to issue a subpoena for data or other evidence needed for the performance of the Board's duties, or to rule on any procedural requests from the parties. The Complainant and Respondent may submit additional evidence as desired, including the names of witnesses, sworn statements, and documentation; however, this must be submitted to the City Auditor no less than four (4) calendar days prior to the Hearing.
16. After calling the Hearing to order, the Complainant must announce that they are present. If the Complainant is not present, the Complaint is dismissed, the Hearing is closed, and a Letter of Dismissal is issued. If the Complainant is present at the Hearing, proceed to step 17.
17. An Evidentiary Hearing is conducted solely to determine whether:
 - a. A violation of the Code of Ethics occurred – proceed to step 18;
 - b. An Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/or
 - c. An Accepted Complaint is Frivolous – proceed to step 19.
18. If the Board determines by simple majority vote that a **violation of the Code of Ethics has occurred**, it may within ten (10) business days impose or recommend sanctions on the Respondent. The Board is not required to impose sanctions even if it determines a violation of the Code of Ethics has occurred. The following sanctions may be imposed or recommended:
 - a. Letter of Notification;
 - b. Letter of Admonition;
 - c. Letter of Reprimand;
 - d. Suspension; or
 - e. Ineligibility.

The Board's decision regarding imposing or recommending sanctions must be rendered within ten (10) after conclusion of the Hearing at which the Board determined a violation occurred. Notice of all sanctions imposed or recommended by the Board shall be transmitted to the Respondent, Complainant, City Auditor, City Attorney, and City Council. If sanctions are imposed or recommended, proceed to step 21. If sanctions are not imposed, proceed to step 20.



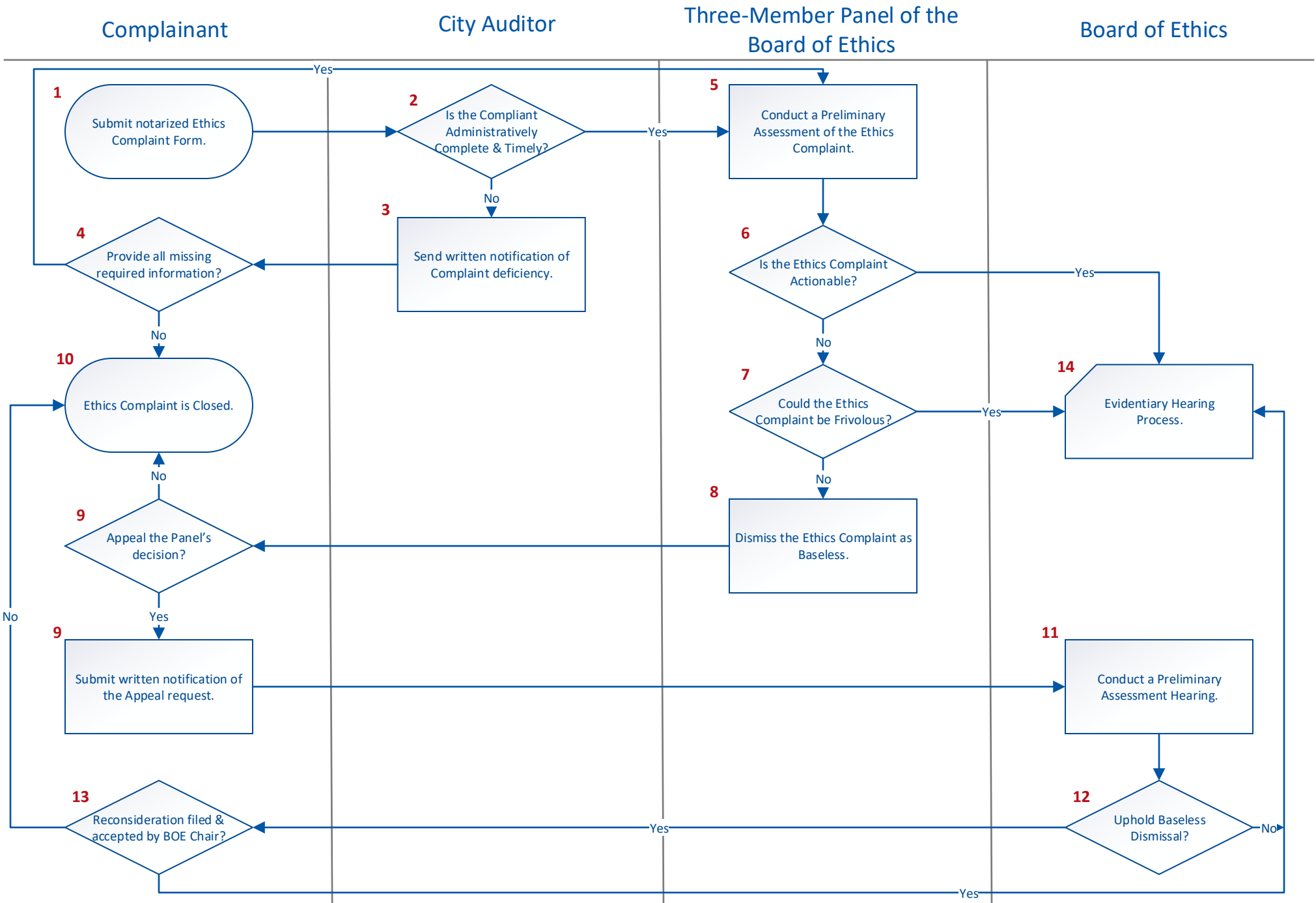
19. If the Board determines by a vote of two-thirds (2/3) of its members that a **Complaint was Frivolous**, the Board may impose or recommend sanctions as discussed in step 18 on the Complainant. Notice of all sanctions imposed or recommended by the Board shall be transmitted to the Respondent, Complainant, City Auditor, City Attorney, and City Council. If sanctions are imposed or recommended, proceed to step 21. If sanctions are not imposed, proceed to step 20.
20. The Board may **dismiss an Ethics Complaint** during an Evidentiary Hearing if it determines that:
- The Complaint is Baseless;
 - The alleged violation did not occur;
 - The Accused relied on an Advisory Opinion; or
 - The Complainant failed to testify as the Hearing (refer to step 16).

If the Complaint is dismissed, a Letter of Dismissal should be issued to the Respondent, Complainant, City Auditor, and City Attorney within ten (10) business days after the conclusion of a hearing.

21. Based on the Board's determination, the Complainant or Respondent may request the Board reconsider its decision from the Hearing by filing a **Reconsideration Request** in writing with the City Auditor within five (5) business days of receiving the Board's final opinion. The reconsideration request must be sent to the Chairperson and Respondent. If the Chairperson, in their sole discretion, finds that the request includes new evidence that was not submitted at the Hearing and the new evidence bears directly on the Board's determination, the Chairperson must coordinate with the City Auditor to schedule a Hearing within thirty (30) business days after filing with the City Auditor. If new, relevant evidence is received, return to step 16. Absent new evidence proceed to step 22.
22. The Ethics Complaint is Closed.

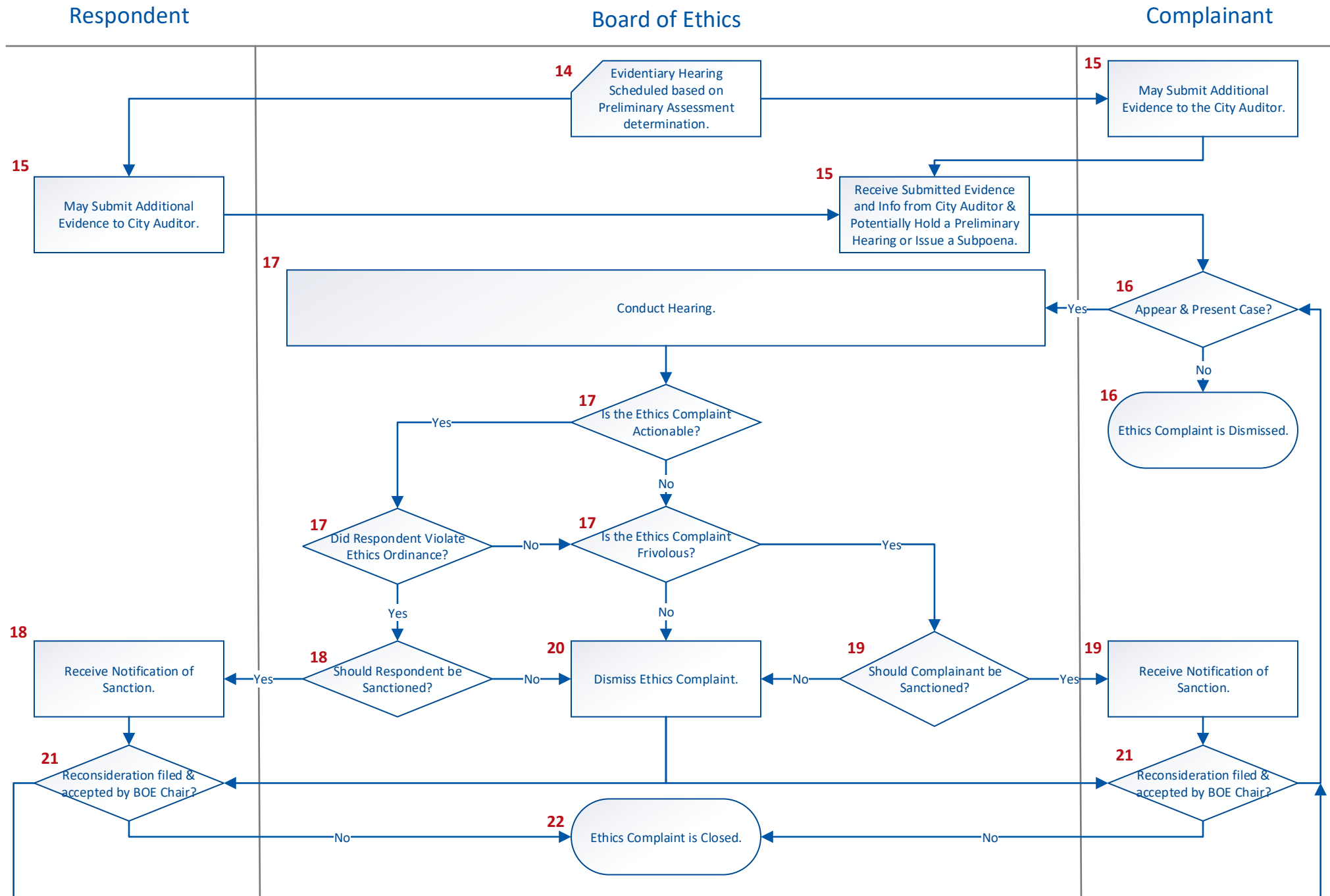
City of Denton: Ethics Complaint Process

Preliminary Assessment



City of Denton: Ethics Complaint Process

Evidentiary Hearing





ETHICS COMPLAINT PROCESS TIMELINES

The following timelines are associated with each phase in the Ethics Complaint process. Each step generally occurs chronologically and must be completed within the number of days listed to the right.

<u>Submitted Ethics Complaint</u>		
Complainant	Submit Ethics Complaint.	NA
City Auditor	Is Ethics Complaint administratively complete & timely? Yes: Ethics Complaint Accepted – proceed to Accepted Ethics Complaint . No: Notify Complainant of deficiency and request missing information.	5 Business Days
Complainant	Provide required missing information – proceed to Accepted Ethics Complaint ; or Do not provide required missing information – Complaint Abandoned.	10 Business Days
City Auditor	Notify Complainant, Respondent, & City Attorney of Abandoned Ethics Complaint.	5 Business Days

<u>Accepted Ethics Complaint</u>		
City Auditor	Notify Complainant and Respondent of Accepted Ethics Complaint. Provide Respondent with copy of the Accepted Ethics Complaint. Refer Accepted Ethics Complaint to Board of Ethics Chair.	5 Business Days
BOE Chair	Assign Accepted Ethics Complaint to three-member Board of Ethics Panel for Preliminary Assessment. Is Accepted Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Actionable Ethics Complaint .	5 Business Days
BOE Panel	No: Baseless Ethics Complaint – proceed to Baseless Ethics Complaint . File written Notification of Determination with City Auditor.	10 Business Days
City Auditor	Provide written Notification of Determination to Complainant, Respondent, City Attorney, & Chair.	2 Business Days

<u>Actionable Ethics Complaint</u>		
Respondent	Appeal Panel’s Actionable determination? No: Ethics Complaint Hearing – Proceed to Evidentiary Hearing . Yes: Submit Appeal to City Auditor in writing.	10 Business Days
Board of Ethics	Is Appealed Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Evidentiary Hearing . No: Baseless Complaint is Dismissed – End. File written Notification of Determination with City Auditor.	30 Calendar Days
City Auditor	Provide written Notification of Determination to Complainant & Respondent.	2 Business Days

<u>Baseless Ethics Complaint</u>		
Complainant	Appeal Panel’s Baseless determination? No: Baseless Complaint is Dismissed – End. Yes: Submit Appeal to City Auditor in writing.	10 Business Days
Board of Ethics	Is Appealed Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Evidentiary Hearing . No: Baseless Complaint is Dismissed – End. File written Notification of Determination with City Auditor.	30 Calendar Days
City Auditor	Provide written Notification of Determination to Complainant & Respondent.	2 Business Days



Evidentiary Hearing

Board of Ethics	Did a violation of the Ethics Ordinance occur?	30 Calendar Days
	Yes: Determine appropriate Sanctions – Proceed to Imposing or Recommending Sanctions. No: Ethics Complaint is Dismissed – Proceed to Dismissed Ethics Complaint.	

Imposing or Recommending Sanctions

Board of Ethics	Render determination of appropriate Sanctions. Notify Respondent, Complainant, City Auditor, City Attorney, & City Council.	10 Business Days
Respondent	File Reconsideration Request?	5 Business Days
	Yes: Proceed to Reconsideration Request. No: Sanctions are imposed – Process End.	

Dismissed Ethics Complaint

BOE Chair	Issue Letter of Dismissal and notify Respondent, Complainant, City Auditor, & City Attorney.	10 Business Days
Complainant	File Reconsideration Request?	5 Business Days
	Yes: Proceed to Reconsideration Request. No: Ethics Complaint Dismissed – Process End	

Reconsideration Request

City Auditor	Forward Reconsideration request to BOE Chair and Respondent.	30 Business Days
BOE Chair	Does the Reconsideration Request include new evidence that bears directly on the Board of Ethics' previous determination?	
	Yes: Schedule Ethics Complaint Hearing – Return to Step 4. No: Unilaterally dismiss the Request for Reconsideration and provide notice to the City Auditor, Complainant, & Respondent – Process End.	

If you have any questions about the process or timelines outlined in this document, you may contact the City Auditor through one of the following methods:

**City Auditor
 215 E. McKinney St.
 Denton, Texas 76201**

(940) 349-7228

**InternalAudit@CityofDenton.com
www.cityofdenton.com**