

**SUBTITLE 5
COMPLAINTS**

§ 5-1. Commencement of action.

(a) *On complaint of other.*

(1) Any person may file a complaint with the Ethics Board alleging a violation of this article.

(2) A complaint filed under this subsection must be:

- (i) in writing;
- (ii) under oath; and
- (iii) signed by the complainant.

(b) *On Board's motion.*

On its own motion, the Ethics Board may issue a written complaint alleging a violation of this article.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	cf. §2-36
<i>May</i>	cf. §2-36	<i>Person</i>	§2-22

§ 5-2. Copy to respondent.

(a) *In general.*

Subject to the redactions required by subsection (b) of this section, the Executive Director must promptly send the respondent a copy of the complaint.

(b) *Confidentiality.*

For a complaint filed under § 5-1(a) {"Commencement of action: On complaint of other"} of this subtitle, the Executive Director must delete from the copy sent to the respondent:

(1) the complainant's name; and

(2) to the fullest extent possible, any other information that might identify the complainant.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	cf. §2-36
<i>Executive Director</i>	§2-11		

§ 5-3. Preliminary investigation.

(a) *In general.*

The Executive Director must promptly investigate the complaint.

(b) *Report to Board.*

The Executive Director must report his or her findings to the Ethics Board within a reasonable time.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11		

§ 5-4. Dismissal on cure of violation.

(a) *Opportunity to cure.*

If the investigation discloses a prima facie violation, the Executive Director must:

- (1) so notify the respondent; and
- (2) provide the respondent with an opportunity to cure the violation.

(b) *Dismissal on cure.*

The Ethics Board may dismiss the complaint if:

- (1) within 15 days after the Executive Director’s notice, the respondent cures the alleged violation; and
- (2) the Board finds that a dismissal would not be contrary to the purposes of this article.

(c) *Notice of dismissal.*

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36

§ 5-5. Dismissal on preliminary review.

(a) *In general.*

After receiving the report of the investigation, if the Ethics Board determines that the facts do not merit further proceedings, the Board must dismiss the complaint.

(b) *Notice of dismissal.*

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
<i>Executive Director</i>	§2-11	<i>Must</i>	<i>cf.</i> §2-36

§ 5-6. Hearing on complaint.

(a) *In general.*

If the complaint is not dismissed under § 5-4 {“Dismissal on cure of violation”} or § 5-5 {“Dismissal on preliminary review”} of this subtitle, the Ethics Board must provide the respondent with notice and an opportunity for a hearing before the Board.

(b) *Representation by counsel.*

At the hearing, the respondent is entitled to be represented by counsel.

(c) *Procedures.*

In its rules and regulations, the Ethics Board must establish procedures to govern the conduct of hearings held under this subtitle.

(Ord. 04-795.)

EDITOR’S NOTE

The procedures established by the Board to govern the conduct of hearings are set forth in Board Regulations R 05.21 through R 05.26.

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36		

§ 5-7. Disposition.

(a) *Determination.*

After the Ethics Board considers all of the evidence presented, it must make written findings of fact and conclusion of law on each alleged violation.

(b) *Finding of no violation.*

If the Ethics Board determines that the respondent has not violated this article, the Board must:

- (1) dismiss the complaint; and
- (2) promptly notify the complainant and respondent of the dismissal.

(c) *Sanctions for violation.*

If the Ethics Board determines that the respondent has violated any provision of this article, the Board may take any 1 or more of the actions authorized in Subtitle 9 {"Enforcement"}, Part II {"Administrative Sanctions"}.

(Ord. 04-795; Ord. 11-520.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf.</i> §2-36
<i>May</i>	<i>cf.</i> §2-36		

§ 5-8. Judicial and appellate review.

(a) *Judicial review.*

A respondent aggrieved by a final decision of the Ethics Board under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 04-795;Ord. 19-332.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf.</i> §2-36
---------------------	-------	------------	------------------

§ 5-9. Confidentiality of proceedings.

(a) *In general.*

Notwithstanding any other law and except as otherwise provided in this section, after a complaint is filed:

- (1) the proceedings, meetings, and activities of the Ethics Board and its staff relating to the complaint are confidential; and
- (2) neither the Ethics Board nor its staff may disclose any information relating to the complaint, including the identity of the complainant or the respondent.

(b) *Permitted disclosures.*

- (1) The Ethics Board may release any information, other than the complainant’s identity, if the respondent has agreed in writing to the release.
- (2) The Ethics Board may disclose the complainant’s identity to the respondent only at the respondent’s request and for good cause shown.

(c) *Duration.*

The restrictions imposed by this section terminate when:

- (1) the matter is referred for criminal prosecution; or
- (2) the Ethics Board determines that a violation has occurred.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>No ... may</i>	<i>cf.</i> §2-36
<i>Includes...</i>	§2-18	<i>May</i>	<i>cf.</i> §2-36