

**Luzerne County
Accountability, Conduct and Ethics Commission
Complaint Process Timeline**

1. Complaint received by designee of the County Manager.
2. Within five (5) days of the receipt of the complaint, the designee of the County Manager shall:
 - a. Date stamp the complaint;
 - b. Acknowledge, in writing, the receipt of the complaint to the complainant;
 - c. Keep the substance of the complaint confidential;
 - d. Notify the respondent and;
 - e. Submit the complaint to the solicitor of the ACE Commission who shall (i) review the complaint for possible criminal sanction and (ii) shall forward the complaint to the ACE Commission.
3. The ACE Commission shall meet and make an initial determination of possible conflict of interest for any members of the ACE Commission. At the determination of a conflict of interest the designee of the ACE member shall serve in his or her stead.
4. If a complaint is deemed valid on its face by at least two members of the ACE Commission, the ACE Commission shall commence a preliminary inquiry regarding an alleged violation of Section 101.01 and 103.04 within thirty (30) days of the receipt of a complaint.
5. A preliminary inquiry shall be terminated or opened as a full investigation within forty-five (45) days of the inquiry's initiation. A preliminary inquiry is considered initiated upon a finding by the ACE Commission that a complaint is valid on its face. The ACE Commission shall keep information, records and proceedings relating to a preliminary inquiry confidential.
6. If, after preliminary inquiry, there is reason to believe that the Ethics Code has been violated, the ACE Commission shall initiate a full investigation. An investigation will be considered commenced when the respondent is notified.
7. The ACE Commission shall close the preliminary inquiry if any of the following applies:
 - a. The occurrence giving rise to the complaint occurred prior to the adoption of the Ethics Code;
 - b. There is no reason to believe that the Ethics Code has been violated; or
 - c. The respondent is not a person subject to the Ethics Code.If the preliminary inquiry is closed, the ACE Commission shall notify the complainant and the respondent within five (5) days.
8. Within sixty (60) days of commencing the investigation, the ACE Commission will do one of the following:
 - a. Terminate the investigation and notify the complainant and respondent;

- b. Extend, upon a showing of need, the investigation for a period not to exceed sixty (60) days;
- c. Issue a findings report that sets forth the pertinent facts and affords the respondent an opportunity to reply to the findings and to request an evidentiary hearing. The ACE Commission will only issue a findings report when a preponderance of evidence exists demonstrating that it is more probable than not that a violation of the Ethics Code occurred.

9. The respondent shall file a written response to the findings report of the ACE Commission within thirty (30) days, unless an application for an extension is made to the ACE Commission and granted for good cause shown. The respondent shall admit to or deny the allegations. Failure to respond within thirty (30) days shall constitute acceptance of the findings.

10. If an investigation indicates that no violation has been committed, the ACE Commission will immediately terminate the investigation and send written notice of the determination to the complainant and the person who was the subject of the investigation.

11. The ACE Commission will conduct hearings upon the request of a respondent. A respondent may request a hearing in his or her response to the findings report. Failure to request a hearing within the thirty (30) day time period set forth above shall be deemed a waiver.

- a. A respondent may be accompanied by an advocate, which may include a family member, friend, or legal counsel, at the hearing.
- b. It shall be the function of the solicitor assigned to the ACE Commission to conduct the inquiry on behalf of the ACE Commission.
- c. A respondent may bring any necessary witnesses to testify on respondent's behalf.
- d. A hearing will be held within forty-five (45) days after the respondent's answer to the findings report unless the time is extended upon application for good cause shown.
- e. A notice of hearing will be issued to the respondent, unless represented by counsel, in which case to counsel, within a reasonable period of time prior thereto. The notice will advise of the date, time and location of the hearing, and of the hearing rights, privileges, process and procedures in this section.

12. The ACE Commission shall, upon finding that an Ethics Code violation occurred, recommend penalties as provided by this subsection.

- a. Admonition. A letter to the respondent, the complainant, County Council, and the County Manager or appropriate elected County Official, indicating that the respondent has been found to have violated this code.
- b. Censure. Notification to the respondent, the complainant, County Council, and County Manager, or appropriate elected County Official, indicating that a violation of this code took place, and expressing strong disapproval of the respondent's actions.
- c. Suspension. Respondent may be suspended without compensation in compliance with the existing Personnel Policy's Table of Offenses and Penalties.
- d. Expulsion/Dismissal. Revoke employment or contract with the County in compliance with existing personnel practices and collective bargaining agreements.
- e. Removal. Recommend the removal of elected officials under provisions of the Home Rule Charter or by law.

f. Fines. Respondent may be subject to a fine up to five-hundred dollars (\$500.00). In addition, the ACE Commission may also order the respondent to pay restitution when the respondent has received a pecuniary benefit as a result of the person's violation.

13. Upon receiving any findings, conclusions and recommendations from the ACE Commission for the imposition of sanctions or penalties under this provision, the County Council and County Manager or his or her designee or appropriate County Official shall take appropriate action. The County Manager or his or her designee or appropriate County Official shall notify the County Council and ACE Commission of the disposition of all recommendations within thirty (30) days of receipt.

14. Upon disposition of the ACE Commission's recommendation, any aggrieved party may file within thirty (30) days an appeal to the Court of Common Pleas in accordance with applicable law. The Court of Common Pleas shall apply an abuse of discretion standard in reviewing any appeals. Under this standard, the appeal judge will give deference to the ACE Commission's view of evidence, and will reverse the ACE Commission decision only if the appeal judge determines that the Commission exceeded its express discretionary powers or recommended penalties beyond its express scope.