



**CITY OF MILFORD**  
**Connecticut**  
**06460**

***ETHICS COMMISSION***

***Citizens Guide***

## **INTRODUCTION**

This guide has been developed by the Ethics Commission to assist citizens who wish to file an ethics complaint in Milford. The intent of this pamphlet is to offer a more accessible guide to file a complaint and to explain the terminology used and the process involved in an ethics investigation. Please refer to the enclosed Milford Code for more detailed information. *Note: the information provided in this guide is believed to be accurate in all respects; however, it does not constitute legal advice and may not be relied upon for any purpose other than as a general source of information.*

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- II. Overview of the Complaint Process
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*A complaint form is included*

### **I. FREQUENTLY ASKED QUESTIONS**

#### ***Who may file a complaint?***

Any person may file a complaint with the Milford Ethics Commission (the "Commission"), alleging a violation of the Milford Code (see the complaint form). The person filing the complaint is referred to as the Complainant.

#### ***Who is subject to an ethics violation complaint?***

The subject of a complaint (person against whom the complaint is made) can only be an elected or appointed public official or employee of the City of Milford. The subject of the complaint is referred to as the Respondent.

#### ***When must a complaint be filed?***

Complaints must be filed within one (1) year of the alleged violation.

#### ***What activities are prohibited?***

Prohibited activities are defined in the Milford Code, Division 2, Section 2-23 through 2-28.

***Is the Milford Ethics Commission the appropriate agency to handle your complaint?***

The Milford Ethics Commission is the appropriate agency if your complaint is directly related to one or more of the prohibited activities stated in the Milford Code, Division 2, Sections 2-23 through 2-28 (the “Code of Ethics”) and falls under the jurisdiction of the Commission.

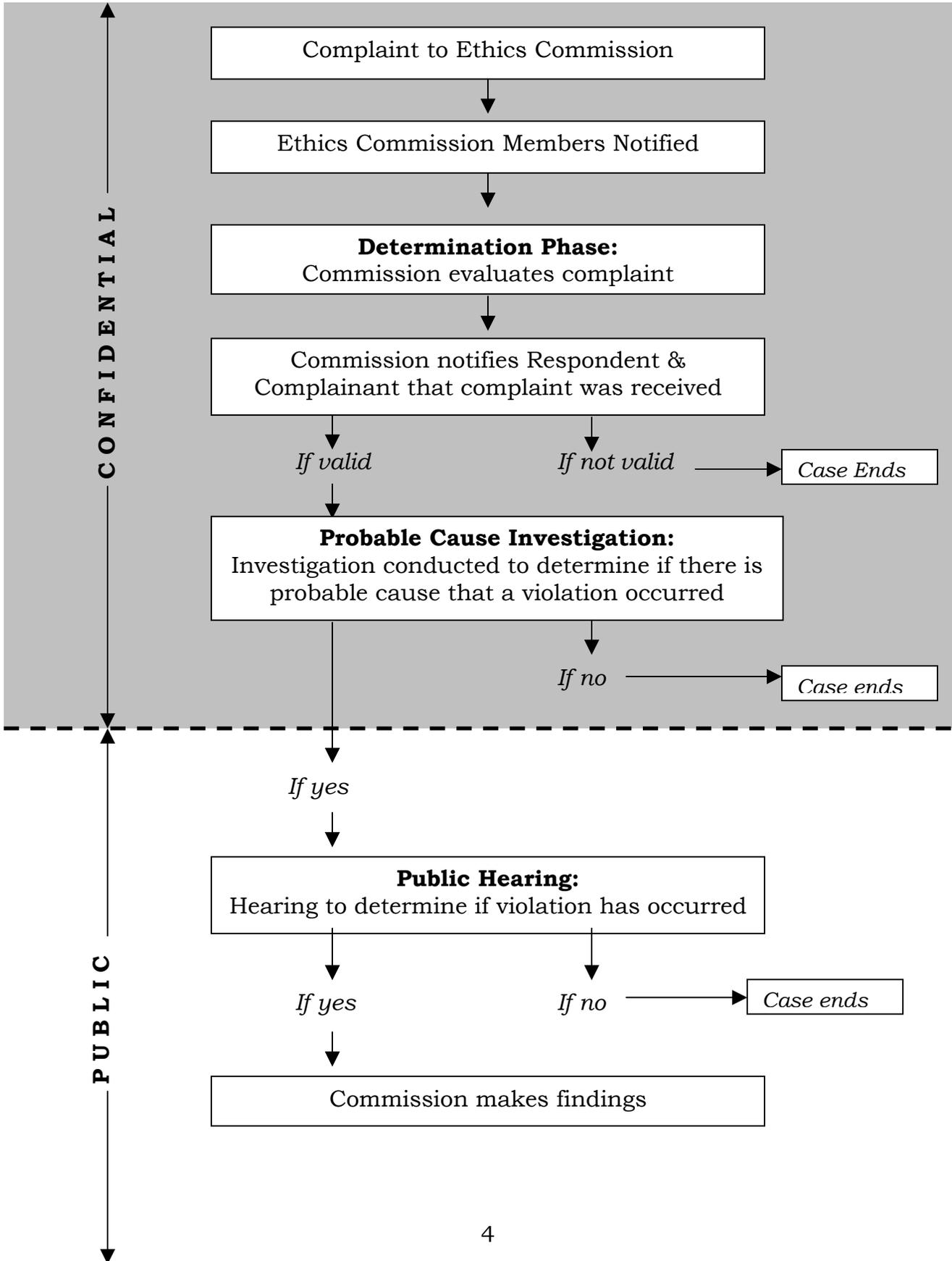
***How does a citizen file a complaint?***

- Complete the enclosed form and have it notarized
- Attach relevant documentation as described on the form
- Provide seven (7) copies in a sealed envelope marked “Confidential”
- Present or mail to:  
City Attorney’s Office  
Attention: Ethics Commission  
110 River Street  
Milford, CT 06460

Additional Citizens Guides and Ethics Complaint Forms are available at the:

Office of the City Clerk  
Mayor’s Office  
[www.ci.milford.ct.us](http://www.ci.milford.ct.us)

## II. OVERVIEW OF THE COMPLAINT PROCESS



### **III. THE INVESTIGATION PROCESS**

#### **Division III, Section 2-31, 2-32, 2-33**

#### **Determination Phase:**

Within fifteen (15) business days of receiving a complaint the Commission begins the process called *determination* and will acknowledge receipt of your complaint. During this phase, the Commission determines whether there is sufficient evidence to warrant a preliminary investigation. A simple majority of the Commission decides whether to proceed on the complaint. If there is insufficient evidence both parties are notified that the case will not be continued and the complaint remains confidential. The complaint undergoes a *Probable Cause Investigation* if there is enough evidence to proceed. Both the Respondent and the Complainant are notified of the outcome within five (5) business days.

#### **Probable Cause Investigation:**

Probable cause suggests that there is sufficient evidence that an ethics violation may have occurred that then calls for an official inquiry. The Commission may summon witnesses and obtain information that will aid in the investigation.

## **Requesting Advisory Opinions**

### **Ethics Commission City of Milford**

The City of Milford Ethics Commission is authorized to issue written advisory opinions to public officials and employees on whether their proposed or ongoing conduct violates the Code of Ethics of the City of Milford, Milford of Ordinances Section 2-23, et seq. Officials and employees acting in good faith reliance upon an applicable advisory opinion issued by the Commission shall have an absolute defense in any matter brought under the provisions of the Code of Ethics, even if they did not request the opinion themselves.

#### **Who May Ask for an Opinion?**

Any person potentially subject to the provisions of the Milford Code of Ethics may request an opinion concerning his or her own conduct. This includes an elected or appointed public official or an employee of the City. The identity of the requester will not be disclosed in the Commission's written opinion. The Commission will not respond to requests for written advice on the propriety of someone else's conduct.

#### **How to Ask for an Opinion:**

Requests for a formal advisory opinion must be submitted, in writing, to the City Attorney's Office, Attention: Ethics Commission 110 River Street, Milford, CT 06460. The letter may contain a complete statement of the facts, including your name, your official position, a brief description of the powers of your agency, commission or office and the nature of the issue. The letter may be anonymous provided that the official or employee furnishes the identifying information set forth above in a manner approved by the Office of the City Attorney. The members of the Commission will review your letter, but their deliberations and written response will not disclose your name or identity of your specific public entity absent your prior authorization.

#### **Time Guidelines:**

The Commission will consider your request as promptly as possible. You will receive a copy of the written advisory opinion by mail or you may request a copy from the file located at the Office of the City Attorney.

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-23**                      **Declaration of policy**

- (a) The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.
- (b) The people have a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents.
- (c) Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly:
  - 1) Treat all citizens with courtesy, impartiality, fairness and equality under the law; and
  - 2) Avoid both actual and potential conflicts between their private self-interest and the public interest.
- (d) To help public officials and employees achieve these goals is one of the objectives of this division. (Ord. of 9-13-71, §1)

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-24**                      **Definitions**

The terms used in this division are hereby defined as follows:

*Financial interest:* Any interest which shall yield, directly or indirectly, a monetary or other material benefit, other than the duly authorized salary or compensation for his services to the municipality, to the official or employee or to any person employing or retaining the services of the official or employee.

*Official or employee:* Any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part time or full time.

*Personal interest:* Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

*Public body:* Any agency, board, body, commission, committee, department or office of the municipality. (Ord. of 9-13-71, §2)

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-25**                      **Impartiality**

No official or employee shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. (Ord. of 9-13-71, §3)

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-26**                      **Use of public property**

No official or employee shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business. (Ord. of 9-13-71, §3)

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-27**                      **Conflicts of Interest**

- (a) *Disclosure of financial or personal interests.* No official or employee, either on his own behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any public body in the City unless he shall first make full public disclosure of the nature and extent of such interest. Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberations as well as in the voting. At the beginning of each term, all elected officials of the City of Milford and members of the Planning & Zoning Board and Zoning Board of Appeals shall file with the City Clerk a list of real property in which they have a legal and/or equitable interest and, within thirty (30) days, any changes thereto.
- (b) *Incompatible employment.* No official or employee shall engage in private employment with, or render service for, any private person who has business transactions with any public body of the municipality unless he shall first make full public disclosure of the nature and extent of such employment or services.
- (c) *Representation of private persons.* No official or employee shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be otherwise provided by law.
- (d) *Gifts and favors.* No official or employee shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him, if he were not an official or employee.
- (e) *Confidential information.* No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.
- (f) *Participation in grievance proceedings.* No city official or employee shall participate in the disposition of any grievance or grievance proceeding arising under a working or pension contract or protected directly by the contract or agreement which is the basis of the grievance. (Ord. of 9-13-71, §4; Ord. of 10-4-82, §1; Ord. of 12-5-88)

**Administration**  
**Article II Officers and Employees**  
**Division 2 - Code of Ethics**

**Section 2-28**

**Penalties**

In addition to any penalty contained in any other provision of law, any person who violates any of the provisions of this division may be punished, as provided in Section 1-9 of this Code of Ordinances, for each violation, suspended or removed from office or employment as the case may be in the manner provided by law. In addition thereto, the municipality may void any purchase, contract or ruling adopted in contravention of this division. (Ord. of 9-13-71, §5)

**CITY OF MILFORD ETHICS COMMISSION**

110 River Street  
Milford, Connecticut 06460

**Ethics Complaint Form**

Name of Party Filing Complaint: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (H) \_\_\_\_\_ (W) \_\_\_\_\_

Person who is Subject of Complaint: \_\_\_\_\_

Applicable Section of Milford Ethics Ordinance allegedly violated or statement of the nature of the violation:

\_\_\_\_\_

Description of the Substance of the Complaint (Continue on separate sheet if necessary and attach):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the Circumstances and Events Surrounding the Complaint (Continue on separate sheet if necessary and attach):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Documentation that supports your complaint must be attached.

Seven (7) copies of the complaint and attachments must be provided along with seven (7) copies of this completed form. Only the original form needs to be notarized. Sign this form before a notary or Commissioner of Superior Court and return it with all of the attachments and copies to the Ethics Commission, in the care of the Office of the City Attorney, 110 River Street, Milford, Connecticut 06460.

