

# CITY OF DEARBORN BOARD OF ETHICS

<b>Making and Resolving Complaints</b>
<ul style="list-style-type: none"><li>• Making a Complaint</li></ul>
<ul style="list-style-type: none"><li>• Grounds for a Complaint</li></ul>
<ul style="list-style-type: none"><li>• Investigative process</li></ul>
<ul style="list-style-type: none"><li>• Hearing</li></ul>
<ul style="list-style-type: none"><li>• Bad Faith complaint</li></ul>
<ul style="list-style-type: none"><li>• Request for Opinion (Ethics Complaint)</li></ul>

## Making and Resolving Ethics Complaints

City of Dearborn, Department of Law  
Board of Ethics  
13615 Michigan Avenue, Suite 8  
Dearborn, MI 48126

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### Making a Complaint

Anyone may file a complaint with the City of Dearborn Board of Ethics if he or she has information that a public officer or employee has violated any of the provisions of the City Charter, Chapter 3, Standards of Conduct. The complaint must be in writing and must be verified by affirmation. The Board of Ethics also has the authority to initiate complaints if it receives credible information which, if true, would merit an inquiry into whether a violation of the City Charter has occurred.

It is not enough to complain that a public officer or employee has acted improperly. A complaint must also state facts showing that the misconduct violated one of the Charter's specific rules or that it was motivated by private financial gain for the public officer or employee, or the private financial gain of another person.

A complaint is filed only when the Board receives it. Filing by facsimile or electronic mail (e-mail) is not permitted.

### Grounds for a Complaint

The Dearborn City Charter, Chapter 3 establishes a code of conduct for public officers and employees. The Charter includes several rules, e.g., a prohibition against private financial interests in public contracts and a general prohibition against the use of their public positions for their own private financial gain or that of another. It is not enough to complain that a public officer or employee is guilty of misconduct, it must also appear that the misconduct violated one of these rules.

Misconduct resulting from negligence, incompetence, ignorance, insensitivity or personal animosity does not constitute a violation of the City Charter, unless it violates one of the rules contained in the MCLA Section 15.341, et seq. Criminal misconduct is not a violation of the Charter, unless it constitutes a violation of those rules.

## **Investigation Process**

Once the Board of Ethics receives a verified complaint, it is referred to the Probable Cause Review Board appointed by the Chairperson. This three-member Board is a sub-committee of the Board of Ethics. The Probable Cause Review Board must determine whether there is probable cause to believe that a material violation of the City Charter has occurred.

The Probable Cause Review Board will conduct an investigation. Its proceedings are confidential. The Probable Cause Review Board will provide a copy of the complaint to the respondent who may make a personal appearance before the Board, or may simply make a written response to the complaint.

The Probable Cause Review Board's investigations are conducted as discreetly as possible. The necessity of interviewing witnesses and obtaining records may, however, alert some members of the public to the existence of an investigation.

To protect against public disclosure of unwarranted or frivolous complaints, the City Charter requires that, to the extent possible, all information relating to a filed complaint be kept confidential until the Probable Cause Review Board has finished its investigation and found probable cause.

The Board of Ethics is not even permitted to acknowledge the existence of a complaint until the Probable Cause Review Board has found probable cause, although it may, at the written direction of the person complained against, release information relating to an investigation.

If, following its investigation, the Probable Cause Review Board finds probable cause, the Board of Ethics will prepare a Statement of Charges against the person accused. This is much like the indictment returned by a grand jury in a criminal case.

## **Hearing**

The members of the Board of Ethics constitute a hearing board to adjudicate the complaint. Their decision is based on evidence taken at a public hearing. It is not necessary for the complainant to appear at the hearing unless it is requested that he or she appear as a witness. A respondent may, but need not be, represented by counsel at the hearing.

If a majority of the Board members find beyond a preponderance of evidence that the accused has committed a material violation of the City Charter, the Board has authority to render an advisory opinion.

The Board of Ethics may also recommend to the appropriate governmental authority that the person be disciplined, discharged, or removed from office.

In addition to these sanctions, a violation of some of the provisions of the City Charter constitutes a misdemeanor criminal violation with penalties of up to 93 days/\$500. The Board has no criminal jurisdiction but if its proceedings uncover evidence of a criminal violation of any nature, the Board may refer the matter to the appropriate prosecuting attorney.

### **Bad Faith Complaint**

If the Board finds by clear and convincing evidence that a person filed a complaint or provided information which resulted in an investigation knowing that material information provided was not true, or if a complaint was made or information provided in reckless disregard for its truth or falsity, then the Board shall order the person to reimburse the accused for his or her reasonable costs incurred, including the accused's attorney fees. The Board may also order the complainant or informant to reimburse the Board for its actual costs of investigation and may further decline to process any more complaints filed by the person.



**REQUESTOR'S INFORMATION:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Cell Phone \_\_\_\_\_  
E-Mail address: \_\_\_\_\_

By my signature below, I affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

Under Michigan law, deliberate false statements and/or falsified documents constitute perjury.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name

**Please return an original signed form, two copies of the form, and three copies of the supporting documents and evidence to:**

City of Dearborn, Department of Law  
Board of Ethics  
13615 Michigan Avenue, Suite 8  
Dearborn, MI 48126

Ethics complaints submitted by facsimile or electronic mail will not be considered as properly filed with the Board of Ethics.