Case # : EC081080

Final Document Provided to
City Secretary 4/3/2020

City of Leon Valley
Ethics Review Board
PRE-HEARING CHECKLIST

_____ **1. COMPLAINT FILED: Complaint is filed with the City Secretary's Office.**

Code of Ethics Art. 7, § 4(a)

_____ **2. NOTICE OF COMPLAINT: City Secretary shall *promptly* provide notice of the complaint to the Ethics Compliance Officer and Person Charged.**

_____ a. The person charged in the complaint shall be provided with a copy of the ethics rules;

b. The notice must inform the person charged that:

_____ (1) Within *fourteen (14) days* of receipt of the complaint, he or she may file a response with the City Secretary;

(2) Failure to respond does not preclude the ERB from adjudicating the complaint;

_____ (3) A copy of any response filed by the person charged will be provided by the City Secretary to the complainant, who may within *seven (7) days* respond by a sworn writing filed with the City Secretary, a copy of which shall be provided by the City Secretary to the person charged in the complaint;

_____ (4) The person charged in the complaint may request a hearing; and

(5) City officials and employees have a duty to cooperate with the ERB.

Code of Ethics Art. 7, § 4(c)

_____ **3. COPY OF RESPONSE: City Secretary shall provide the complainant a copy of any response filed by the person charged. *No deadline, so promptly.***

Code of Ethics Art. 7, § 4(c)(3)

4. NOTICE OF HEARING: City Secretary shall provide notice of the hearing(s).

_____ a. Hearings can be called by the Chair or upon request of three (3) board members.

Rules of Proc. §§ B(3), C(1)

_____ b. Hearings will be called within *forty-five (45) days* after the filing of a complaint or as reasonably possible thereafter.

Rules of Proc. § C(2)

_____ c. The ERB shall make all reasonable efforts to issue a decision within *sixty (60) days* after the filing of a complaint.

Code of Ethics Art. 7, § 6(a); Rules of Proc. § C(21)(a)

_____ **5. PLEADINGS & MOTIONS: City Secretary shall *promptly* forward the pleadings and any procedural motions within *one (1) business day* after receipt.**

_____ a. All pleadings and procedural motions must be submitted to the City Secretary at least *four (4) business days* prior to the hearing.

Rules of Proc. § C(4)

_____ b. All pleadings and procedural motions must be forwarded to the Board members, the Ethics Compliance Officer, and the opposing party within *one (1) business day* after receipt.

Rules of Proc. § C(5)(b)

_____ **6. WITNESS LISTS, STATEMENTS, EVIDENCE: City Secretary shall promptly forward the parties' witness lists, any sworn statements, and documentary evidence to be considered at least *three (3) business days* prior to the hearing.**

_____ a. Each party shall submit to the City Secretary's Office the party's witness list and any sworn statements and documentary evidence they desire to be considered no later than *four (4) business days* prior to the hearing.

Rules of Proc. § C(6)(a)

_____ b. Exhibits submitted shall be numbered sequentially by the Parties.

Rules of Proc. § C(6)(b)

_____ c. All evidence and witness lists must be forwarded to the Board members, the Ethics Compliance Officer, and the opposing party at least *three (3) business days* prior to the hearing.

Rules of Proc. § C(6)(c)

_____ **7. REFRESHMENTS: Prior to the hearing, the City Secretary shall order food and beverages for the ERB.**

8. ROOM SETUP: On the *day of the hearing*, the City Secretary shall set up the room.

_____ a. Table and chairs for the parties.

_____ b. Reserve the front row for the parties' witnesses.

_____ c. A seat will also be reserved for any ERB members who recuse themselves.

_____ **9. WRITTEN OPINION: ERB Chair with assistance of the Ethics Compliance Officer shall draft the written opinion with the findings of fact and conclusions of law as determined by the ERB.**

a. The written opinion shall either:

_____ (1) Dismiss the complaint; or

(2) Upon a finding that there has been a violation of the ethics laws:

____(a) Make a recommendation of further investigations, criminal prosecution and/or civil remedies to the City Council, the City Manager or the City Attorney; or

____(b) State why no remedial action is recommended.

Code of Ethics Art. 7, § 6(a); Rules of Proc. § C(21)(d)

_____ **10. NOTICE OF ERB OPINION: ERB shall promptly forward copies of the written opinion to the complainant, the person charged in the complaint, the Ethics Compliance Officer, and any member of the ERB who did not participate in the disposition of the case.**

Code of Ethics Art. 7, § 6(b)