

Camden County
Code of Ethics

EFFECTIVE OCTOBER 8, 1995

Preamble

**Powers of County Ethics Board
40A:9-22.16**

A county ethics board shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the county code of ethics or financial disclosure requirements by local government officers or employees serving the county;
- b. To issue subpoenas for the production of document and the attendance of witnesses with respect to its investigation of any complaint or to the holding of hearing
- c. To forward to the county Prosecutor or the Attorney General or other governmental body any information concerning violations of the county code of ethics or financial disclosure requirements by local government officers or employees serving the county which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;
- d. To render advisory opinions to local government officers or employees serving the county as to whether a given set of facts and circumstances would constitute a violation of any provision of the county code ethics or financial disclosure requirements;
- e. To enforce the provision of the county code of ethics and financial disclosure requirements with regard to local government officers or employees serving the county to impose penalties for the violation thereof as are authorized by this act; and
- f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.

Camden County Code of Ethics

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Camden County Code of Ethics

Chapter 1 Purposes and Goals

1:1.1 *Purposes and Goals*

Effective government presupposes an honest policy-making process and principled administration of public affairs. To achieve democratic consensus, vigorous public participation is needed. Public participation flourishes when all relevant facts, including the interests brought to the policy-making process by County officials and employees, are available. Effective implementation of governmental policy requires that administrative decision reflect broad goals in the public interest.

Public confidence is best served when people can observe consistent patterns of honest policy-making and administration. Achieving public confidence requires clear standards of ethical conduct, sincere commitment to those standards by County officials and employees, and active enforcement of those standards by representatives of the people.

The purpose of this code is to establish basic standards of conduct for County officials and employees in accordance with the Local Government Ethics Law (*N.J.S.A. 40:9-22.1 et seq.*). These standards are not all inclusive but should be used as a basic guideline so that government may shape and implement policy in an environment of informed citizen participation.

Public office and employment are a public trust.

Chapter 2 **Definitions**

- 2:1.1 “Business Entity” shall mean any corporation, partnership, individual enterprise, or joint venture organized for the purpose of making a profit.
- 2:1.2 “Board” shall mean the Camden County Ethics Board.
- 2:1.3 “Board member: shall mean a member of the Camden County Ethics Board.
- 2:1.4 “Contract” shall mean a written or oral agreement in which the parties agree to exchange goods, services, or money in return for valid consideration.
- 2:1.5 “County” shall mean the County of Camden, New Jersey.
- 2:1.6 “County Contractor” shall mean any person, corporation, partnership or other entity which is a party to the contract with the County or any agency, commission, or authority of the County. The term shall include but not be limited to attorneys and others representing the County or any board or agency on a regular basis, and not for a limited or specific purpose, pursuant to a professional services agreement or as an extraordinary, unspecifiable service.
- 2:1.7 “County agency” means any agency, board, governing body, including the Chief Executive Officer, Bureau, Division, Office, Commission or other instrumentality within a county and any independent local authority, including any entity created by more than one county.
- 2:1.8 “County Employee” means any person, whether compensated or not, whether part-time or full time, employed by or serving on a County Agency who is not a County Officer, but shall not mean any employee of a school district.
- 2:1.9 “County Officer” means any person, whether compensated or not, whether part time or full time: (1) elected or appointed to any County Agency as defined in Subsection 2:1.7; (2) serving on a County Agency which has the authority to enact ordinances, approve development applications, or grant zoning variances; (3) who is a member of an independent County Authority; (4) is a managerial confidential employee of a County Agency, as defined in Section 3 of the New Jersey Employer-Employee Relations Act, P.L. 1941, c.100 (C.34:13A-3), but shall not mean any Employee of a school district or a member of a school board.
- 2:1.10 “COUNTY OFFICER OR EMPLOYEE” means a County officer or a County employee.
- 2:1.11 “EMPLOY” shall mean to receive the services of an individual in exchange for money or other valid consideration.

- 2:1.12 “MEMBERS OF IMMEDIATE FAMILY” means the spouse, child, siblings, parents, grandchildren, or members of the household of a County officer or employee.
- 2:1.13 “GIFT” shall mean all money or other thing of value received not in exchange for services rendered, or other valid consideration
- 2:1.14 “GOVERNING BODY” means The Board of Chosen Freeholders
- 2:1.15 “INTEREST” means the ownership or control of more than 10% of the profits, assets, or stock of a business organization but shall not include the control of assets in a non-profit entity or labor union.
- 2:1.16 “INTEREST IN PROPERTY” shall mean any individual, joint tenancy, or tenancy in common, estate by the entirety, or community property status in any real or personal piece of property, easement, equitable servitude, license, or other form of tangible or intangible property.
- 2: 1.17 “NON-PROFIT ENTITY” shall mean any enterprise not fully supported by tax money which exists for purposes other than making a profit.
- 2:1.18 “OFFICIAL DATE OF APPOINTMENT OR REAPPOINTMENT” shall mean the date upon which the minutes of the Board of Chosen Freeholders or, if those minutes would not contain such data, the minutes of the appropriate appointing authority officially indicate said person's appointment or reappointment.
- 2:1.19 “PARTY TO A CONTRACT” shall mean that person or party which is responsible for the performance of services or payment of consideration in a contract or that person scheduled to receive said consideration.
- 2: 1.20 “PROPERTY INTEREST” shall mean the same as “INTEREST IN PROPERTY.” See Subsection 2:1.16.
- 2:1.21 It is the intent of this Code to include at the minimum all County officials and employees who exercise authority or provide advice to any individual or body involving formulation, interpretation, or implementation of policy or purchasing decisions. Likewise the County will seek a prior written commitment to abide by this Code from all future appointments to autonomous bodies of the County.

Chapter 3 Financial Disclosure

3:1.1 Disclosure Requirements

County officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this code shall include the follow information which shall specify, where applicable, the name and address of each SOURCE of income and the County officer's job title. This information must be supplied for the County officer and members of the County officer's immediate family for the prior calendar year.

Each SOURCE of income, earned or unearned, exceeding \$2,000 received by the County officer or a member of his/her immediate family during the preceding calendar year must be disclosed. Individual client fees, customer receipts, or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the County officer or member of his/her immediate family has an interest in the business organization.

Each SOURCE of fees and honoraria having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the County officer or a member of his/her immediate family during the preceding calendar year must be disclosed.

Each SOURCE of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the County officer or a member of his/her immediate family during the preceding calendar year must be disclosed.

The name and address of all business organizations in which the County officer or a member of his/her immediate family held an interest during the preceding calendar year must be disclosed.

The street address and brief description of all real estate located in the State of New Jersey in which such person or member of his/her immediate family has any direct or indirect interest including through any business entity as defined in 2: 1.1 must be disclosed.

3:1.2 Record Keeping

a. The Local Finance Board shall prescribe a financial disclosure statement form for filing. The County Clerk shall make the forms and copies of the Code available to the County officers serving the County. For County officers serving Camden County, the original statement shall be filed with the Camden County Clerk. A copy of the statement with an original signature shall be filed with the Local Finance Board. A copy of the statement with an original signature shall also be filed with the Camden County Ethics Board. Statements shall be filed on or before April 30 of each year.

b. All financial disclosure statements filed shall be public records and shall be available during regular business hours.

Chapter 4 Ethical Standards for County Officers and Employees

4: 1.1 *General Principles and Conflicts of Interest*

No County officer or employee or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

No County officer or employee shall utilize State, County, or local materials or facilities for any personal purpose. Mailings at County expense should be made in conformance with the following guidelines:

- (1) Informational mailings should be used only when they further the official business of the County and are accurate and unbiased.
- (2) The use of County mailings in whole or in part for personal reasons unrelated to official business, or to seek financial or political support or other unfair advantage, is prohibited.
- (3) Any action taken by any County agency should be attributed to the entire agency, whether or not all members supported it.
- (4) Descriptions and/or announcements of County services or County events may go out in several ways:
 - (a) unsigned material; e.g., fliers in the name of the entire agency;
 - (b) a non-partisan letter by a County officer with specific responsibility for an area; a non-partisan letter by the director, chairperson, or head of any County agency.
- (5) Mailings should be strictly neutral and non-partisan. No mention should be made of internal Board disagreements, partisan splits, or voting positions by members of any County agency.

No County officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.

No County officer or employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment.

No County officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties.

No County officer or employee, member of his/her immediate family, or business organization in which he/she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.

No County officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he/she is associated.

No County officer or employee or business organization in which he has an interest shall represent any person or party other than the County in connection with any cause, proceeding, application, or other matter pending before any agency Camden County. This provision shall not be deemed to prohibit one County employee from representing another County employee where the County agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

No County officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution, or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

No elected County officer shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefore.

Nothing shall prohibit any County officer or employee, or members of his/her immediate family from representing himself, or themselves, in negotiations or proceedings concerning his/her, or their own interests.

4:1.2 *Non-participation in Matters Which Directly Affect Personal and Financial Status*

- a. A County officer or employee shall abstain from voting on any measure, for example, which would, if approved, result in:

(1) The payment of money to a business entity, non-profit organization political organization, government agency, or individual which employs said County officer or employee or a member of his or her immediate family. This section shall not preclude an affirmative vote to transfer funds for statutorily mandated programs providing for the pension or health of employees, or for an affirmative vote on a County budget passed in total as long as appropriate disclosure is made at the time of the vote entered upon the minutes;

(2) the appointment of a member of his or her immediate family to a County government position;

(3) the payment of money to the County officer or employee casting the vote, or to a member of the County officer's or employees' immediate family, or to a business entity in which the County officer or employee has an interest. This section does not preclude a County officer or employee from voting to pay budgeted salaries and wages and reasonable expense vouchers or affirmative votes on a County budget subject to proper disclosure as in 3:1.2-a.;

(4) the use of County funds to improve, purchases, or authorize construction upon lands or which abut land in which the County officer or employee has a property interest.

- b. No County officer or employee or member of his/her immediate family shall have an interest in a business organization or engage in any business transaction or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

4:1.3 *Avoid Appearance of Impropriety* - All Camden County Officers and Employees in the Course of Their Duties Shall Avoid the Appearance of Impropriety and Are Charged With the Affirmative Duty of Upholding the Law

4:2.1 *Awarding of No-Bid Contracts*

When awarding a contract exempted by the New Jersey Statutes from bidding requirements, no County officer or employee shall authorize or vote on the letting of such contract with any business entity, non-profit organization, government agency, or individual which employs him or her, or in which he or she owns a property interest, or which provides a benefit to that individual or his/her immediate family.

No Camden County government agency shall, for a period of two years next subsequent to the termination of the office of a member of that agency, award any contract which is not publicly bid to a former member of that agency or his/her employer.

4:2.2 *Representations of Private Interests Before County Policy-Making Groups*

No Camden County officer or employee shall appear before any County policy-making or advisory group on behalf of any business entity, non-profit corporation, non-Camden County agency, or individual which employs him/her or in which he/she has a property interest.

No Camden County agency shall, for a period of two years next subsequent to the termination of office of a member of that agency, allow a former member to represent, appear for, or negotiate on behalf of any other party before that agency.

4:2.3 *Negotiations of Contracts by County Officers and Employees*

No Camden County officer or employee shall negotiate a contract, participate in meetings to negotiate a contract, or be a party to a contract with any County policy-making group, department, bureau, office or program on behalf of any business entity non-profit corporation, governmental agency, union, or individual which employs him/her or which provides a benefit to that individual or his/her immediate family or in which he/she has a property interest.

4:2.4 *Duty to Disclose Prior Relationship*

Any Camden County officer or member of a County agency is charged with the affirmative duty of public disclosure of his/her substantial business or personal relationship with any person who appears, makes application before, or is considered for employment or appointment by that officer or agency. Thereafter, he/she shall abstain from any comment or vote on the matter pending.

4:3.1 *Post Employment Restrictions*

Neither the County nor any of its agencies shall participate in any hearing, application, or other proceeding in which any Camden County officer or employee represents, appears for, or negotiates on behalf of any County contractor. This prohibition also applies to any partnership, firm or corporation in which the Camden County officer or employee holds, directly or indirectly, an interest in, or to the partnership firm or corporation which employs the former Camden County officer or employee. These prohibitions are in effect for two years subsequent to the termination of the employment of such officer or employee with the County.

Exceptions to this rule may be permitted to allow former County officers and employees, except for members of independent authorities, who have special expertise not otherwise readily available to hold contracts with the County or to be employed by a County contractor within two years next subsequent to the termination of the employment of such person with the County. Exceptions may be otherwise permitted in cases of hardship, or when the appearance of a conflict is substantially outweighed by the officer's right to employment with a particular entity, or when other circumstances warrant such an exception.

No Camden County agency or authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

award any contract which is not publicly bid to a former member of that authority;

allow a former member of that agency to represent, appear for, or negotiate on behalf of any other party before that authority; or

employ for compensation, except pursuant to open competitive examination in accordance with *Title 11A* of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

The County shall not enter into a contract with any person, corporation, partnership, business, or entity which employs a former County officer or employee, or in which a former or County officer or employee has an interest, within two years next subsequent to the termination of the former County officer's or employee's employment with the County. The prohibitions contained in this section shall be applied only in cases involving contracts awarded without bidding or on a non-competitive basis. They shall not apply to contracts involving non-profit corporations or in the case of interlocal service agreements between units of government. In all situations involving the exceptions referred to above, the interested party shall first seek an advisory opinion from the Board. Nothing contained in this section or in the Code generally shall be deemed to supersede the provisions of the New Jersey Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.).

(1) Exceptions to this rule shall be permitted as provided in Section 4:3.1-a. (1).

4:4.1 *Political Activities*

a. No Camden County officer or employee shall engage in partisan political activity during working hours.

b. No County officer or employee shall make either directly or indirectly or through any political organization any threats or intimidations to any County employee relating to his or her employment with the County for the purpose of receiving political contributions.

4:5.1 *Violations*

a. The Board shall consider relevant evidence and shall determine whether a violation has occurred by clear and convincing evidence. It shall not be a defense that the alleged violator did not know of the specific section involved.

Chapter 5 Ethics Board

5:1.1 Board Membership and Term or Office

The members shall serve for term of five (5) years, except that of the members initially appointed two members shall be appointed to serve for a term of five (5) years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three (3) years. Each member shall serve until his/her successor has been appointed and qualified. Any vacancy occurring in the membership of the Ethics Board shall be filled in the same manner as the original appointment for the unexpired term.

The Board shall consist of six (6) persons who have resided in the County continuously for a period of at least one (1) year immediately preceding their appointments, at least two of whom shall be public members, and no one of whom shall reside in the same municipality.

The Board shall annually elect a Chairperson. The Chairperson shall preside at meetings. In the absence of the attendance of this chairperson at a particular meeting, an alternate may be selected to preside at each meeting by attending members of the Board. Reasonable rules of order shall govern such meetings.

Members of the Camden County Ethics Board shall serve without compensation but shall be reimbursed by the County for necessary expenses incurred in the performance of their duties under this code.

All appointments and reappointments to the Board shall be made so as to ensure that at no time shall there be more than three (3) members of the Board from the same political party. In the event of any vacancy or resignation, the Freeholders shall make an appointment for replacement of the vacancy within forty-five (45) days after written notice from the Board.

All members shall continue to serve until their replacements are appointed and qualified.

5: 1.2 Board Employees

The County Ethics Board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this code within the limits of funds appropriated by the County governing body for those purposes.

5:1.3 Annual Appropriations

The Chairperson (and Secretary) shall request, as a part of the County Budget process, monies for the payment of the Solicitor and Secretary, and for administrative expenses.

The County shall provide the Camden County Ethics Board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

All necessary expenses incurred by the Camden County Ethics Board and its members shall be paid, upon certification of the Chairperson, by the County Treasurer within the limits of funds appropriated by the Camden County Board of Chosen Freeholders by annual or emergency appropriations for those purposes.

Printing of Code and disclosure forms shall be borne by Camden County as administrative expense outside of the budget of the Camden County Ethics Board.

5:1.4 *Quorum*

a. A quorum is four members of the Board.

5:1.5 *Meetings*

Each meeting of the Camden County Ethics Board shall be advertised pursuant to the *Open Public Meetings Act, N.J.S.A. 10:4-10*, and be held during weekday evening hours.

No action taken by the Camden County Ethics Board shall be deemed official unless a quorum is present at the meeting, or reviews the proceeding with the consent of a respondent, and the action to be taken receives the votes of at least four (4) members.

Every resolution that is passed by the Board shall be assigned a number which will include the year (for example 94) and the sequential number of the resolution (94-1...). Each resolution shall be duly filed with the Secretary of the Board.

In the event of a hearing by the Board when less than a quorum is present, with the consent of all real parties in interest, absent members shall review the tape of the presentation and vote shall be taken at next meeting.

5:1.6 *Outline For Meeting*

Each meeting of the Camden County Ethics Board shall adhere to the following outline:

Pledge of Allegiance, prayer or moment of silence
Recitation of Public Notice
Call of Roll
Review and adoption of prior meeting(s') minutes
Reading of correspondence
Schedule of next meeting
Board Report

Old business on agenda
New business on agenda
Public comment. The Chairperson shall have the right to limit public comment to not more than five minutes per speaker.
Closure of meeting, if necessary, pursuant to *N.J.S.A. 10:4-12*
Resolution to end meeting

Chapter 6 Ethics Advisory Opinions

6:1.1 *Any Official May Request An Advisory Opinion*

A Camden County officer or employee may at any time request an advisory opinion from the Board regarding proposed activity. A request for an opinion shall be made in writing and submitted to the Board in care of the Camden County Clerk. The request shall be captioned as "Request for Advisory Opinion" and shall include the precise question to be answered together with an adequate description of the relevant facts.

6:1.2 *Regular Requests*

If the individual requesting the advisory opinion regarding proposed activity does not specify that the request is an "emergency," the Chairperson shall arrange for a Board meeting to discuss the request. The Board shall then meet, discuss and determine whether the relevant practice violates the Code. The Board shall issue a written opinion advising the individual whether the Board believes the relevant practice violates the Code, giving reasons for that conclusion. Minority report opinions may be included, specifying the number of Board Members adhering to the minority view.

6:2.1 *Emergency Requests*

All requests for emergency opinions shall conform to the requirements of Section 6:1.1 and shall be captioned "Emergency Request for Advisory Opinion." The Camden County Clerk shall promptly forward the request to the Chairperson's confidential address.

The Chairperson shall review the request and decide whether emergency action is appropriate. Said decision shall be made in his/her sole discretion.

If the Chairperson determines that emergency action is warranted, a special meeting shall be convened provided adequate public notice can be given.

If the Chairperson determines that emergency action is not warranted, then he/she shall offer to place the request upon the agenda of the next regularly scheduled meeting of the Board.

6:2.2 *Action By the Board Upon Emergency Requests*

- a. The Board may respond in writing as follows to the emergency request of such an individual:

It may inform the individual that the outlined practice would violate the Code. Minority reports may be provided as in 6:1.2.

It may inform the individual that the outlined practice would not violate the Code.

It may inform the individual that the majority of the Board members feel that the question cannot be satisfactorily answered in time to respond to the emergency.

6:3.1 *Consequences of Advisory Opinions - Regular and Emergency*

A Camden County officer or employee serving the County may request and obtain from the County Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the County Code of Ethics or any financial disclosure requirements. Advisory opinions of the County Ethics Board shall not be made public, except when the Ethics Board by the vote of two-thirds of all of its members directs that the opinion be made public. Public advisory opinions shall not disclose the name of the County officer or employee unless the Ethics Board in directing that the opinion be made public so determines.

With respect to its responsibilities for the implementation of the provisions of this Code, the Ethics Board shall have the power to render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of this Code.

If a County officer or employee follows the advice of an advisory opinion, he or she sought out and received, the Board shall not later render an opinion that said individual violated the Code in the matter. It is an issue of fact for the Board whether the individual followed the advisory opinion or whether the facts relied upon in rendering the advisory opinion differs materially from facts found on a complaint.

6:3.2 *Consequences of Advisory Actions - Emergency*

If a County official or employee requested an emergency advisory opinion regarding proposed activity, and received a response stating that the Board could not meet or would not meet, then the individual's request shall be considered a mitigating factor against finding a violation in a subsequent complaint proceeding on the same matter.

6:4.1 *Meetings on Request for Advisory Opinions*

The Board's discussions concerning the issuance of an advisory opinion or the facts upon which an advisory opinion is to be based shall be held in a session closed to the public. Specifically, the Board shall meet in closed session to discuss the issuance of an advisory opinion and the facts upon which an advisory opinion is to be based when the material to be discussed would, if

publicly disclosed, constitute an unwarranted invasion of individual actions. However, with respect to any such opinion, the Board's discussions shall be held at a public meeting if the individual concerned requests in writing that the same be discussed at a public meeting and with two-thirds of the Board votes to keep the meeting open.

6:5.1 ***Resolution To Exclude Public***

Pursuant to Section 8 of the Open Public Meetings Act, *N.J.S.A 10:4-13* before convening in any closed session, the Board shall first adopt a resolution at a meeting to which the public is admitted. That resolution must state the general nature of the subject matter to be discussed in closed session and, as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the Board can be disclosed to the public.

Chapter 7 Ethics Complaint Procedure

7: 1.1 *Outline of the Complaint Process*

Any person may, at any time, file a complaint against a County officer or employee for any alleged violation, of this Code.

The Camden County Ethics Board, upon receipt of a signed written complaint by any person alleging that the conduct of any County officer or employee is in conflict with the County Code of Ethics or any financial disclosure requirements shall acknowledge the complaint within thirty (30) days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.

The Camden County Ethics Board shall make a determination as to whether the complaint is within its jurisdiction and there exists reasonable factual basis therefore. If the Board concludes that the complaint is outside its jurisdiction, frivolous, or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the County officer or employee against whom the complaint was filed. Otherwise, the Board shall notify the County officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.

The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint. Thereafter, if the Board concludes that a reasonable doubt exists as to whether the officer or employee is in conflict with the Code or any financial disclosure requirements, it shall conduct a hearing according to the procedure that follows.

The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the County Code of Ethics or any financial disclosure requirements.

Any decision shall be made by no less than two-thirds of all members of the Board. If the Board determines by a majority that the officer or employee is in conflict with the Code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations set forth herein. A final decision of the Board may be appealed to the Local Finance Board within thirty (30) days of the decision.

7: 1.2 *Complaint Requirements*

The complaint must be sent, in writing, to the Chairperson of the Camden County Ethics Board in care of the Camden County Clerk.

The complaint must specifically identify the person or persons alleged to have violated the Code and provide adequate corroboration.

The specific provisions of the Code thought to be violated must be identified.

The complaint must be signed.

The complaint must be acknowledged by the Board Secretary within thirty (30) days of receipt.

7: 1.3 *Limitations of Actions*

The Camden County Ethics Board shall reject any complaint not filed according to Section 7:1.2. All inquiries shall terminate upon death of the alleged violator.

7:2.1 *Receipt of Complaint*

Upon receipt of any complaint, the Secretary shall acknowledge its receipt within thirty (30) days and shall send a copy of said complaint to the Solicitor and each member of the Ethics Board.

The Secretary shall further mail a copy of the complaint, with appropriate form cover letter by regular and certified mail, to the employee or official charged with such violation. This mailing shall include a copy of the complaint and of the Code.

7:2.2 *Initial Deliberation*

At any time during a proceeding under this chapter, a simple majority of members of the quorum may vote to terminate a proceeding, continue a proceeding, or include or exclude any testimony or evidence in the Board's sole discretion.

The Board shall review the information gained through the complaint and shall decide, at the next regularly scheduled Ethics Board meeting:

if the facts alleged, (if true) taken as true, would constitute a violation of the Code; and

if there exists probable cause to believe that the alleged facts are true, and that there has been a violation.

7:2.3 *Acceptance or Rejection of the Complaint*

If a majority of the members of the Board present affirmatively votes that both conditions contained in Section 7:2.2 are met, and then a hearing shall be scheduled in accordance with Section 7:3.1.

7:3.1 *Hearing on Complaints*

If the Board renders an affirmative vote pursuant to Section 7:2.3, the alleged violator and the person filing the complaint shall be notified that a formal hearing on the complaint shall be

scheduled. The hearing shall be held in open session unless an exception under *N.J.S.A. 10: - 12.b.* is applicable.

Pursuant to *N.J.S.A. 10:4-13*, before convening in any closed session the Board shall first adopt a resolution at a meeting to which the public is admitted. That resolution must state the general nature of the subject matter to be discussed in closed session and, as precisely as possible, the time when and the circumstances under which the discussion conducted in a closed session of the Board can be disclosed to the public.

7:3.2 *Appearance of Witnesses*

With respect to its responsibilities for the implementation of the provisions of this Code, the Ethics Board shall have the power, in its sole discretion, to issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing.

The Board shall issue invitations to necessary persons to testify at the hearing. The person filing the complaint and the alleged violator shall receive an invitation. Any witness may have an attorney present.

Service of the subpoena shall comply with New Jersey Court Rules, and violation of the subpoena shall have a civil remedy.

7:3.3 *Hearing Procedure*

At the outset of the hearing, the Board Chairperson shall read a list of those invited to attend and testify, those who have accepted the invitation, and any correspondence from persons invited to testify. The Board Chairperson shall invite opening statements and shall then call the witnesses and invite them to make a statement under oath. The Chairperson may limit the length of such statements to a reasonable time. The members of the Board may then ask questions of the witness. The Chairperson may limit the length of questioning to a reasonable time.

All hearings required pursuant to this code shall then be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a State agency in contested cases under the Administrative Procedures Act.

7:3.4 *Records*

The Board Secretary shall keep accurate written and recorded records of the proceedings which shall promptly be made available to the public to the extent that making such matters public shall not be inconsistent with *N.J.S.A. 10:4-12b(1)-(9)*. A court stenographer may be requested if such assistance is deemed to be necessary.

7:3.5 *Witnesses*

Any witness appearing and giving testimony shall first be sworn. Witnesses may be questioned only by members of the Board, complainant, the alleged violator, and his/her attorney. Closing statements may be made by the alleged violator and his or her attorney.

7:3.6 *Deliberation*

The Board shall find facts on complaints and interpret this code. At the conclusion of the hearing, the Board shall deliberate on the complaint. After the conclusion of its deliberations, it shall release a written opinion to the accused violator, indicating:

- the facts upon which the Board bases its determination;
- the finding of a violation, if two-thirds of Board members find that the alleged violator's conduct violated the Code;
- the finding of no violation, if less than two-thirds of Board members find that the alleged violator's conduct does not violate the Code.

The opinion shall also indicate the Board's recommended penalty, pursuant to Section 7:3.7.

7:3.7 *Penalties and Disciplinary Action*

The finding by the Camden County Ethics Board that a County officer or employee is guilty of the violation of the provisions of this code shall be sufficient cause for his/her removal, suspension, demotion, or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this code, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of *Title 11A* of the New Jersey Statutes and the rules promulgated pursuant thereto.

With respect to its responsibilities for the implementation of the provisions of this code, the Board shall have the power to forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of this code which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General.

After finding that a violation has occurred, the Board shall determine the appropriate penalty. The Board shall reasonably coordinate its recommended penalty with the nature and magnitude of the violation.

An appointed County officer or employee found guilty by the County Ethics Board of the violation of any provision of this code shall be fined not less than \$100.00 nor more than

\$500.00, which penalty may be collected in a summary proceeding pursuant to “the penalty enforcement law” (*N.J.S. 2A:58-1 et seq.*). The Camden County Ethics Board shall report its findings to the office or agency having the power of removal or discipline of the appointed County officer or employee and may recommend that further disciplinary action be taken.

An elected County officer or employee found guilty by the Camden County Ethics Board of the violation of any provision of this code shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to “the penalty enforcement law” (*N.J.S. 2A:58-1 et seq.*).

7:3.8 *Public Release*

One business day after the release of the written opinion to the alleged violator, the Board shall file its opinion with the Clerk of the Board of Chosen Freeholders, Office of County Clerk, and Local Finance Board; and it shall become a public record. All parts of the record created after disposition as stated in Section 7:3.4 shall be considered part of the permanent open files of the Board.

7:4.1 *Letter of Concern to County Prosecutor*

If, on the advice of its solicitor, the Board believes that criminal activity may have been indicated in its investigation, it shall write a letter requesting an investigation by the County Prosecutor’s Office. A majority of the full Board shall be required for such a letter to be sent.

Chapter 8 Severability

Should any section, paragraph, clause, or phrase of this Code be declared unlawful, unconstitutional, or unenforceable for any reason, the remaining portions of this code shall not be affected thereby, and shall remain in full force and effect.

If there is any internal conflict in these provisions, the Code shall be interpreted utilizing the stricter provision.