

Town of Cheverly, Maryland Ethics Commission Operating Guidelines
Approved October 20, 2025

TOWN OF CHEVERLY, MARYLAND
ETHICS COMMISSION OPERATING GUIDELINES

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STATEMENT OF POLICY

It is crucial for the citizens of Cheverly, Maryland, to have trust their elected and appointed public officials at all times. Citizens must be assured that the judgment of public officials and employees is impartial and independent, that even the *appearance* of improper influence will be avoided, and that the prohibition of the use of such influence will be enforced.

Furthermore, the primary responsibility for enabling the public trust resides in the system of government itself by promoting, monitoring, and ensuring the impartial and independent judgement of public officials. To this end, the Maryland Public Ethics Law, Local Government Ethics Law, and Cheverly Ethics Code set the standards of conduct relating to conflicts of interest, ethical governance, and requirements for financial disclosures.

MISSION

Provide impartial, objective, and unbiased ethical advice and oversight to the Town of Cheverly Government through analysis and public education, as well as prompt, timely, and thorough investigations to enforce local and state ethics laws.

VISION

**A municipal government that earns and holds
the enduring trust of all citizens,
and strenuously avoids unethical actions
at all times.**

RESPONSIBILITIES, POWERS AND DUTIES

The Cheverly Ethics Commission is responsible for the effective implementation and enforcement of the Cheverly Ethics Code (Chapter Three of the Cheverly Town Code of Ordinances).

An effectively administered Ethics Commission shall:

- Schedule meetings on a regular basis, enough to thoroughly and completely perform all duties of the Commission;
- Provide orientation for new Town of Cheverly elected and appointed officials, candidates for public office, new employees, and new Commission members, as well as encourage participation in state-sponsored training for carrying out the state-mandated ethics laws;
- Establish procedures for citizens of Cheverly to submit ethics-related complaints or requests for advisory opinions directly to the Ethics Commission, and
- Provide an avenue for Town officials to obtain a well-considered, legally sound opinion on any matter that raises ethical questions.

The powers and duties of the Cheverly Ethics Commission include:

- Investigating only written, signed complaints alleging violations of the Cheverly Ethics Code;
- Providing advisory opinions to persons subject to the Cheverly Ethics Code;
- Receiving and reviewing financial disclosure statements for compliance with provisions of the Cheverly Ethics Code and notifying officials and employees of any omissions or deficiencies;
- Ensuring all state mandated ethics-related reporting is submitted to the Maryland State Ethics Commission on or before annual deadlines;
- Developing an effective information program about the purpose and application of the Ethics Code for employees, officials, members of boards and commissions, and the public;
- Providing regular reports summarizing the Commission's activities to town officials and the public; and
- Periodically evaluating the adequacy of the Cheverly Ethics Code, and notifying the Town Council of any potential gaps or state-mandated changes.
- Updating the Commission's operating guidelines and enacting changes as the Commission deems necessary.

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I. PURPOSE AND SCOPE

This document sets forth the bylaws, processes, and procedures under which the Ethics Commission of the Town of Cheverly, as authorized by Section 1-6 of the Cheverly Town Code, will implement the Maryland Public Ethics Law, (General Provisions Article, Title 5, Subtitles 5 and 6, Annotated Code of Maryland), Local Government Ethics Law (Code of Maryland Regulations, Title 19A, Subtitle 04), and the Cheverly Code of Ethics, (Cheverly Code of Ordinances, Chapter 3).

The Cheverly Ethics Commission may, at any time deemed necessary by the Commission, update this document. The most current edition of this document will be posted to the website of the Town of Cheverly, Maryland, for perusal and download by members of the public.

II. GENERAL PROVISIONS

A. Commission Structure and Bylaws

1. The Cheverly Ethics Commission (hereinafter “Commission”) will operate independent of political or administrative influence from elected or appointed officials, employees, or any other official representatives of the Town of Cheverly. The Commission will coordinate with the Town Administrator and his/her staff for scheduling meetings, recordkeeping, technology support, and other administrative matters.
2. The Commission is composed of seven members: six who are nominated by their respective ward Council Member to represent each ward in the Town of Cheverly; and one who is an ‘at-large’ member nominated by the Mayor. The Town Council will appoint one nominee from each ward and

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- an at-large member for a three-year term.
3. At the first meeting of each calendar year, the Commission will elect one member for each of the following positions:
 - a. Chairperson: Presides over meetings of the Commission, sets meeting dates (in coordination with the Commission membership and the Town of Cheverly), and serves as a tie-breaking vote when needed.
 - b. Vice-Chair: Assists the Chairperson and presides over meetings in the absence of the Chairperson.
 - c. Secretary: Records all activities of the Commission, to include meeting agendas and minutes; ensures physical and digital records of all Commission activities are maintained in accordance with standards set forth by state, county, and local laws and ordinances.
 - d. The term of service for each position described above shall be one year from the date of election, and no person shall serve consecutive terms in each respective position.
 - e. In the event the above-listed leadership terms have expired before the next meeting of the Commission, the outgoing Chairperson will preside over the meeting until a new Chairperson is elected by the Commission.
 4. Individual members of the Commission will not accept requests for assistance or advisory opinions, or allegations of unethical conduct. Any member who receives a communication (verbal, written, or electronic) from a person wishing to initiate a Commission action shall direct that person to submit their request in writing to the post office box address posted on the Ethics Commission page of the Town of Cheverly website. Furthermore,

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- no member of the Commission will discuss any specific elements of a potential case with the person seeking to initiate an action, other than directing that person to follow the submission procedure described above.
5. The Commission will maintain a post office box, advertised in the monthly Cheverly newsletter and on the Ethics Commission page on the Town website, as the means for submitting complaints or requests for advisory opinions to the Commission. The post office box will be inspected weekly.
 6. All official electronic communications of the Commission will be accomplished using email addresses and systems furnished by the Town of Cheverly. Personal email addresses shall not be used for official Commission communications other than in case of an extremely urgent or time-sensitive matter.
 7. Meetings will be held quarterly at a minimum, and more frequently as needed to conduct business or hearings.
 - a. Commission meetings will be conducted in accordance with Robert's Rules of Order.
 - b. Meetings will be announced to the public as far in advance as possible, via the Town of Cheverly website, Town of Cheverly digital messaging, and if possible, the Town newsletter.
 - c. Closed meetings will be held in accordance with the procedures outlined in the Maryland Open Meetings Act, General Provisions Article § 3-305. Any meeting in which confidential business, such as advisory, inquiry, or investigative proceedings are to be discussed, the meeting will be held in an 'open-to-close' fashion.
 - d. Meetings may be in-person, virtual, or hybrid. If a meeting goes into

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closed session, all non-Commission observers will be escorted out of the room and/or disconnected from any virtual or televised broadcast of the meeting.

- e. Agendas will be published at a reasonable time prior to meetings, and accurate minutes will be taken and approved by the Commission at the subsequent meeting.
 - f. While in open session, Commission meetings will not be a venue for submitting a request for assistance or an allegation of unethical activities. Any person wishing to do so will be directed to the Ethics Committee page on the Town of Cheverly website for instructions on submitting their correspondence.
8. A quorum shall consist of four voting members of the Commission. If a quorum is not achieved, the meeting shall end with no actions taken and be rescheduled as soon as possible.
9. A majority of four affirmative votes is necessary for enactment of any action by the Commission.
10. The Commission may designate one member to be responsible for conducting a specific preliminary inquiry or investigation, or for presenting evidence to the Commission in connection with advisory opinion requests or complaints (also known as a 'case') being processed in accordance with these regulations. The member so designated will not have a vote on the matter at hand during these proceedings. No member of the Commission should be responsible for more than one case at any given time.
11. The Chairperson shall vote only in case of a tie, or to provide a fourth affirmative vote. For purposes of a quorum, the Chairperson shall be

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considered a voting member.

12. Dismissal. A member may be dismissed from the Commission by a supermajority (5 of 7 voting members) under the following circumstances:
- a. If the member is chronically absent from meetings, is adjudged to not contribute to the work of the Commission, or is detrimental to the completion of the Commission's missions and tasks.
 - b. If the member is found to have committed a highly unethical action in the course of his/her duties on this Commission.
 - c. If the member has been involved in any action that brings disrepute to the Commission, or the Town of Cheverly, such as an arrest, indictment, misdemeanor or felony conviction, misuse of his/her position on the Commission, or other actions that brings the member's character into question.
 - d. Any motion to dismiss a member will not be voted on at the meeting in which the motion is made. The member in question will be afforded time to mount a defense and present it, alongside legal representation if desired, at the next meeting of the Commission.

13. Vacancies. Upon a vacancy in the Commission, for any reason, the Chairperson will notify the Mayor and Council member representing the vacant seat within three (3) business days. Ideally, any vacancy will be filled by the Town Council within sixty (60) days of the vacancy occurring.

B. Commissioner Conflicts of Interest

1. If a member of the Commission has a conflict of interest concerning his or her participation as a Commissioner in an advisory opinion hearing, a preliminary inquiry, or complaint hearing, it is the duty of that member to

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bring it to the attention of the other Commissioners, or to recuse himself or herself from further deliberations on the matter that gives rise to the conflict of interest. Likewise, any Commissioner has a duty to bring to the attention of the Commission any conflict of interest he or she believes another Commissioner has.

2. If the member chooses not to recuse himself or herself, the Commission should discuss the issues raised and then:
 - a. Give the Commissioner in question an opportunity to be heard;
 - b. Discuss the conflict of interest outside the presence of the Commissioner who has the alleged conflict of interest;
 - c. Take a vote as to whether that Commissioner should withdraw from participating in the advisory opinion hearing, a preliminary inquiry, or complaint hearing;
 - d. Exclude the Commissioner if the vote of the remaining members so directs.

C. Availability of Commission Records to the Public

1. Except as set forth in (3) below, all records of hearings, findings and opinions of the Commission shall be maintained and made available for public inspection and copying in accordance with the provisions of the Maryland Public Ethics Law, Article 40A, Section 1-101 and following, Annotated Code of Maryland.
2. All records of the Commission, including procedural or governance documents, agendas and minutes of meetings, completed financial disclosure forms, reports to the Town Council and the State of Maryland,

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official correspondence, and records of advisory or investigative proceedings, shall be maintained at the Town of Cheverly town hall, 6401 Forest Road, Cheverly, MD, 20785. Records available for inspection and copying shall be accessible during normal town business hours, Monday through Friday, 9:00 AM to 5:00 PM.

3. Commission records pertaining to advisory opinion requests may not be disclosed to the extent that they include facts, discussion, or other material that would reveal the identity of the person who is the subject of the opinion, and the subject of the opinion has not waived the right to protection of his or her identity. Advisory opinion request records shall be considered by the Commission to be non-disclosable under this section until the right to protection of identity *is* expressly waived, in writing, by the subject.
4. All Commission records pertaining to a complaint considered in accordance with Section IV below shall, following the filing of a complaint, and unless and until the matter is referred for prosecution or a finding of a violation is made, be treated with confidentiality and not disclosed to any person except as set forth in Section IV(C)(1)(a) of these procedures. Investigatory records pertaining to inquiries initiated by the Commission shall also be treated with confidentiality.
5. Financial disclosure statements filed by public officials pursuant to Chapter 3 of the Cheverly Code may be examined by the public only in person at the Cheverly town offices as set forth in (2) above. Any person examining these statements shall record his or her name, home address, and the name of the person whose disclosure is examined or copied. This record

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of examination shall be forwarded upon request to the person whose disclosure statement was so examined and copied.

6. Except to confirm or deny the existence of a document or to disclose the name and limited identifying information, Commission members will not disclose any information contained in financial disclosure and lobbying disclosure statements filed pursuant to Chapter 3 of the Cheverly Code.
7. Copies of non-published Commission records made available in accordance with this Section may be provided by town staff or Commission members for a nominal copying fee.

III. ADVISORY OPINION PROCEDURES

A. Application

The advisory opinion provisions apply to all officials and employees of the Town of Cheverly, as defined in Chapter 3 of the Cheverly Code.

B. Who May Request Opinions

1. Any person covered by subsection (A) above may request an advisory opinion concerning application to him or her of the ethics provisions of the Cheverly Code. The Commission shall accept and process these advisory opinion requests in accordance with the procedures set forth in this section.
2. Advisory opinions may be requested by an elected or appointed official, board or commission member, or employee of the town as to matters covered by the ethics provisions of Chapter 3 of the Cheverly Code concerning another official or employee under his or her supervision.

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These requests shall be accepted and processed in accordance with this section.

3. Any other person may request an advisory opinion as to subject matters or individuals subject to the ethics provisions of the Cheverly Code. These requests may be considered by the Commission in its discretion as deemed appropriate.

C. Relationship To Investigatory Process

1. It shall be the general practice of the Commission to consider advisory opinion requests dealing with probable or non-speculative fact situations and to render opinions having prospective application;
2. If an opinion requires consideration of past behavior or events, the Commission may consider the request in the context of a preliminary inquiry, and follow the procedures set forth in Section IV(C)(2) of this document.

D. Forms

1. All requests for advisory opinions shall be in writing addressed to the **Cheverly Ethics Commission, P.O. Box 1231, Cheverly, MD 20785**. The request shall include the signature, address, and telephone number of the requester and shall set forth the facts and circumstances giving rise to the request.
2. The Commission will design and approve a standard form for the initiation of requests for advisory opinion. The form will be made available for download on the Ethics Commission webpage of the

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Town of Cheverly government website.

E. Review Procedures

1. Each advisory opinion request accepted for processing shall be acknowledged in writing by the Commission. The acknowledgement shall set forth the right of the subject to protection of his or her identity and also the right of any person to be represented by counsel in connection with any aspect of the advisory opinion review process. When the request is from a person other than the official or employee whose conduct is the subject of the request, the person who is the subject of the request shall, if his or her identity is ascertainable, be provided with a copy of the request and the acknowledgement letter.
2. When an advisory opinion request presents facts and raises issues that have been addressed in a previously issued opinion of the Commission, the Commission may transmit, via email, the existing opinion with the acknowledgement as an expedited informal response to the opinion request. If the person requesting the opinion believes that facts or law particular to his or her request are contrary to the existing opinion, then his or her request shall be further processed as set forth in subsections 3-5 below.
3. The Commission shall review the information set forth in the request and obtain sufficient facts to allow the Commission to evaluate the conduct or activity in relation to the substantive provisions of the Cheverly Code of Ethics.
4. Advisory opinion requests shall be considered by the Commission at a

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meeting conducted in accordance with the Code of Maryland Regulations 19A.OI.03. The person whose conduct is the subject of the request may appear at the Commission meeting considering the request and be represented by legal counsel in connection with the appearance. The commission may also request the attendance of the requester or of any other person who can provide information relevant to its determination.

5. Any person directly involved in the advisory opinion request may be represented by counsel at any and all stages of the proceeding.

F. Issuance of Opinions

1. Advice in response to an opinion request shall be provided within 60 days of receipt of the request. Each opinion shall be committed to writing and be dated, shall contain the names of all members of the Commission present at the meeting at which the opinion request was decided, and who subscribed to the opinion. The name of any dissenter to an opinion shall be separately noted. To the extent possible, each advisory opinion shall be written so as to prevent disclosure of the identity of the subject of the opinion.
2. Advisory opinions shall be mailed to the requester, the subject, and to other interested persons, as determined at the discretion of the Commission. These advisory opinions (redacted to protect identities) shall also be placed on file and held for public inspection in the Cheverly Town Office.
3. The opinion rendered is binding on the Commission in any subsequent investigation or complaint proceeding concerning the officer or employee

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or other person who sought the opinion or who was the subject of the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for an advisory opinion or in statements made to the Commission concerning the situation under advisement.

IV. COMPLAINT PROCEDURES

A. Application

1. These complaint procedures apply to alleged violations of the Cheverly Ethics Code by any person subject to Chapter 3 of the Cheverly Code.
2. The Commission will design and approve a standard form for the intake of allegations of Ethics Code violations. The form will be made available for download on the Ethics Commission webpage of the Town of Cheverly government website.

B. Filing of Complaints

1. Any person may file a complaint with the Commission. The complaint shall be in writing and signed by the complainant, and shall include the complainant's address, telephone number, and email address.
Anonymous complaints will not be accepted. The complaint may allege a violation of the Cheverly Ethics Code by any Cheverly official, employee, appointee, or candidate for public office. A complaint shall contain sufficient facts to permit a preliminary investigation to be undertaken. The Commission may reject any complaint which it deems to be plainly frivolous or outside the scope of the Commission's duties. In these

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circumstances, the Commission will notify the complainant in writing that no violation of the Ethics Code has occurred.

2. A copy of any complaint filed with the commission shall be forwarded to the respondent.

C. Processing of Complaints

1. General Provisions

a. Confidentiality

- i. During the course of any inquiry by the Commission or following the filing of a complaint, and unless and until the matter is referred for prosecution, or a finding of a violation has been made, the proceedings, meetings and activities of the Commission in connection with the complaint shall be conducted in a confidential manner.
- ii. The Commission, the complainant, and the respondent shall not disclose any information relating to the complaint, including the identity of the complainant or the respondent, except as necessary to conduct the investigation. An exception to this general provision is that the identity of the complainant shall be disclosed to the respondent. Moreover, the Commission may release information at any time, if a release has been agreed to in writing by the respondent.

b. *Ex Parte* communications

- i. In layman's terms, *ex parte* (Latin: 'by or for one party') communication occurs when a party to a case, or someone involved

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with a party, talks or writes to or otherwise communicates directly with the judge (in this case, a member or members of the Commission) about the issues in the case without the other parties' knowledge. The reverse – a Commission member or members communicating directly with one party to a case, or someone involved with a party, without the knowledge of the other party – is also *ex parte* communication.

- ii. Voting members of the Commission shall not communicate *ex parte* with the complainant or respondent regarding any issue of fact or law in the complaint proceeding.
- iii. When a member of the Commission, its counsel, or its designees is aware of an *ex parte* communication by a voting member, the member of the Commission, its counsel, or its designees shall place on the record all written communications received, a memorandum stating the substance of all oral communications received, all written responses to the communication, and a memorandum stating the substance of all oral responses made, and shall send copies of the communications, memoranda and responses, to all parties.
- iv. Any party wishing to rebut an *ex parte* communication may do so upon request within ten {10} days after notice of the communication.
- v. Members of the Commission, its counsel, or its designees, if they deem it necessary to eliminate the effect of a prohibited *ex parte* communication, may disqualify themselves from further participation in the proceedings, or the Commission may seek to disqualify the person, if the Commission deems it necessary, by following the

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procedures outlined in Section II(B)(2) above.

2. Preliminary Investigation and Review

- a. All complaints filed and not rejected by the Commission as being frivolous or out of the scope of the Commission's duties, shall be accepted for preliminary investigation by a member of the Commission designated to conduct the investigation (hereinafter, "investigator").
- b. The investigator shall collect evidence relating to the allegations of the complaint, sufficient to ascertain whether or not a preliminary investigation is warranted.
- c. Before conducting the preliminary investigation, the investigator shall notify the complainant by mail. The respondent will be notified by registered mail to afford the respondent an opportunity to cure or remedy any alleged violations in accordance with subsection d. below.
- d. The respondent may take action to cure or remedy all alleged violations within 15 days of receipt of the notification provided in accordance with these regulations. Evidence of a cure or remedy of alleged violations shall be presented to the investigator in writing. The complaint shall be dismissed by written order of the Commission if it finds the cure or remedy to be satisfactory, and that dismissal would not be contrary to the purposes of the Ethics Code.
- e. If a complaint is not dismissed pursuant to subsection d., the investigator shall continue the preliminary investigation of the complaint. In this preliminary investigation, the investigator may use the subpoena power of the Commission, as outlined in IV C (3) below.

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f. The respondent in a complaint proceeding conducted pursuant to these regulations shall be entitled to representation by counsel during all stages of the proceeding. The investigator shall, unless in his/her discretion unusual circumstances of confidentiality of privacy exist, make available to the respondent or his/her representative any relevant evidence at the investigator's disposal.

3. Subpoena Powers

- a. The Commission may administer oaths and affirmations, and issue subpoenas to compel the attendance and testimony of witnesses or for the production of papers, records, documents and other tangible objects. These subpoenas are judicially enforceable.
- b. If a complaint is not dismissed pursuant to IV C (2) or IV C (4) of these guidelines, the respondent and the investigator may, subject to the conditions in c and d of this subsection, use the subpoena power of the Commission to compel either appearances by witnesses or production of documents and tangible objects at a complaint hearing held in accordance with these regulations.
- c. The Commission may only issue a subpoena to the investigator or quash a subpoena served by respondent, after a hearing in which at least three members of the Commission find the issuance or quashing of the subpoena is necessary.
- d. The respondent may use the Commission's subpoena power without a hearing. If, however, a person subject to respondent's subpoena submits in writing an objection to a subpoena issued by respondent, the

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Commission shall have an immediate hearing on the issue and as to whether the subpoena should be quashed.

4. Preliminary Determination

- a. Dismissal: When the investigator determines that the evidence does not raise a sufficient likelihood of a violation of the Ethics code to merit further proceedings, or the allegation is already being investigated or adjudicated by another governmental or judicial body, the complaint may be dismissed in a written order of the Commission.
- b. Notification of Dismissal: Copies of any order dismissing a complaint pursuant to subsection a. above shall be promptly sent to the complainant and the respondent.
- c. Non-Dismissal: When the investigator determines that the evidence does raise a sufficient likelihood of a violation of the Ethics Code, the Commission shall hold a hearing on the complaint, proceeding in accordance with the hearing procedures set forth herein.
- d. Referral: If the Commission, its counsel, or its designees, in the course of considering a complaint, finds that there are reasonable grounds to believe that a respondent may have committed a criminal offense, the matter shall be referred to the appropriate law enforcement or prosecuting authority. The Commission shall make available to the law enforcement or prosecuting authority all pertinent evidence under its control. The Commission will then consider the matter closed, other than providing assistance to investigative authorities as directed.

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D. Complaint Hearings

1. Hearing Notice

The complainant and respondent shall be given written notice of the hearing no less than 14 days of the hearing date. This notice shall include:

- a. A statement of the time, place and nature of the hearing;
- b. A statement that the hearing is to be held under the legal authority of the Cheverly Ethics Code and under the jurisdiction of the Commission;
- c. A reference to the relevant sections of the statutes, regulations, and rules of procedure involved.
- d. A short and simple statement of the matters asserted. If the Commission is unable to state the matters in detail at the time the hearing notice is served, the *initial* notice may be limited to a statement of the issues involved. Therefore, upon application, a more definite and detailed statement shall be furnished.

2. Waiver of Hearing

A respondent, with the concurrence of the commission, may waive the right to a formal hearing, and consent to a decision based upon the facts alleged in the hearing notice or otherwise agreed.

3. Alternative Disposition

Before the hearing, disposition of the complaint may be made by the Commission itself, such as when it decides (1) that the alleged complaint is not a violation of the Ethics Code, or (2) that the complainant fails to provide adequate evidence for the complaint.

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Disposition of the complaint may also be made by an agreed settlement between the investigator and the respondent, and approved by the Commission or by a consent order agreed to by the respondent.

4. Conduct of the Hearing by the Chairperson:
 - a. The hearings generally shall be conducted in accordance with the Administrative Procedures Act (2022 Maryland Statutes State Government Title 10, Governmental Procedures, Subtitle 1).
 - b. The Commission's Chairperson shall convene the hearing and shall read the complaint allegations. In addition to the powers set forth herein, the Commission Chairperson shall generally have the power to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order.
 - c. The Commission Chairperson shall have the power to rule on offers of proof and receipt of evidence in accordance with the following general principles:
 - Persons appearing before the Commission to provide oral evidence shall be under oath:

I (name) shall solemnly swear (or affirm) under the penalties of perjury that the responses given and statements made will be the whole truth and nothing by the truth.
 - Any relevant evidence, including hearsay of probative value, shall be admissible.
 - Evidence of probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs shall be admitted and given probative value. The rules of privilege shall be given effect,

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and incompetent, irrelevant, immaterial, and unduly repetitious evidence may be excluded.

- All evidence, including records and documents in the possession of the Commission, of which it desires to avail itself, shall be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or through incorporation by reference.
 - d. The Commission Chairperson shall have the power to consider and rule upon all motions appropriate to the proceedings.
 - e. The Commission Chairperson may designate another Commission member to preside at a Commission hearing conducted pursuant to this chapter. The member so designated may exercise all of the powers assigned to the Chairperson by this section.
5. Presentation of Evidence:
- a. The Ethics Commission Counsel or another counsel designated by the Commission shall present to the Commission all evidence available to them relating to the complaint, unless the Commission decides that attendance of counsel is not warranted.
 - b. The respondent may present evidence either through counsel or on his or her own behalf.
 - c. Only the respondent and the Commission Counsel or other counsel designated by the Commission, shall be treated as parties to the complaint proceeding.

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6. Rights of Parties

Both the complainant and the respondent shall have the right to:

- a. Present opening and closing statements;
- b. Call witnesses and present evidence;
- c. Cross-examine every witness called by the Commission or by the other party;
- d. Challenge any witness regardless of which party first called him or her to testify; and
- e. Rebut all evidence presented.

7. Hearing Record

- a. A verbatim record (i.e., video and/or audio recording) shall be made of the entire hearing.
- b. A written record of the hearing shall be developed including the following:
 - All pleadings, motions, intermediate and final rulings;
 - Documentary evidence received or considered;
 - Any statement of matters officially noticed;
 - Any questions and offers of proof, objections, and rulings on them;
 - Any proposed findings and exceptions;
 - The decision of the Commission issued pursuant to these procedures;
 - Any memoranda of *ex parte* communications submitted pursuant to these procedures.

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E. Commission Decisions

1. Findings of Facts and Conclusions of Law

After consideration of all the evidence, the Commission shall prepare a written report setting forth findings of facts and conclusions of law with respect to each of the alleged violations. The Commission shall promptly deliver or mail a copy of the finding of fact and conclusions of law in any final decision to each party or the party's attorney.

2. Dismissal

If the Commission concludes that the respondent has not violated any provisions of the Cheverly Ethics Code, it shall enter an order dismissing the complaint and shall advise the complainant and respondent accordingly.

3. Actions for Violations

If the Commission concludes that the respondent has violated any of the provisions of the Cheverly Ethics Code, it may take any of the following actions:

- a. Issue an order of compliance to cease and desist from the violation, along with recommendations for any corrective or preventive actions;
- b. Issue a reprimand, along with recommendations for any corrective or preventive actions;
- c. Recommend to the appropriate authority, if provided by law, the censure, removal, or other appropriate punitive measure(s) against the respondent.