

Principles of an Effective Ethics Commission

Budget and Staffing

- Budget for the commission is sufficient enough to support professional staff that can receive, and timely initiate, investigate and adjudicate complaints and provide timely advisory guidance.
- Executive director may be an attorney and is knowledgeable about state laws related to accountability.

Jurisdiction

- Commission may initiate, receive, investigate and adjudicate complaints and may issue subpoenas.
- Includes state legislative and administrative officials and employees, government contractors, prospective government contractors and lobbyists.
- Commission has primary jurisdiction in the context of screening and referring complaints to the appropriate agency.
- Commission has discretion to provide whistleblower protections to complainants.

Meetings

Commission hearings and meetings are open to the public and comply with the Open Meetings Act.

Decision making and process

- Commission decisions require a quorum of at least four members, with at least two political parties needed to produce the quorum, to avoid partisan decision making by the commission.
- Commissioner may be recused or may be disqualified by the commission in a commission proceeding in which the commissioner cannot render a fair and impartial judgment.

Enforcement

- Commission issues and enforces fines and makes recommendations to superintending authorities for other penalties.
- Government contractors and potential government contractors are held accountable through disclosure rules.

Transparency, Public Notice, Reporting

- Public has a known, accessible location to submit complaints and advisory inquiries.
- Commission provides robust annual public reporting on its activities and decisions.
- Commission provides a timely, equitable process and determinations, and public notice of determinations.
- Process to submit a complaint and subsequent process is clear and accessible to the public.
- Commission provides a publicly accessible advisory process and timely advisory guidance and opinions.
- Disclosure of complaints and response provides transparency to the public.

Evidence standard

The standard of evidence to be applied by the commission is “preponderance of the evidence”, meaning that the commission is required to find that at least 51 percent of the evidence shown favors the complainant’s facts.