

Commonwealth of Virginia

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Virginia Conflict of Interest and Ethics Advisory Council

MEMORANDUM

TO: Council Members

FROM: Chris Piper, Executive Director

DATE: December 10, 2015

RE: Procedures for Handling Complaints Submitted to the House and Senate Ethics Advisory Panels

Suggested Motion for Council: I move that we accept the staff recommendation for procedures for handling complaints submitted to the House and Senate Ethics Advisory Panels.

Discussion:

The Virginia Conflict of Interest and Ethics Advisory Council staff recommends that the Council adopt the following procedures for handling complaints submitted to the House and Senate Ethics Advisory Panels:

- I. Complaints for the House and Senate Ethics Panels should be submitted to the Virginia Conflict of Interest and Ethics Advisory Council (the Council) at its current address, 201 N. 9th Street, 2nd Floor, Richmond, VA 23219.
 - a. The Council will accept complaints submitted only by citizens of the Commonwealth.
 - b. The Council will accept only signed and sworn complaints that are subscribed by the maker as true under penalty of perjury.
- II. Upon receipt of a complaint, the Council shall make copies of the complaint for its records and for each legislator named in the complaint and submit the original complaint to the chairman of the appropriate House or Senate Panel within two business days.

- III. The Council shall submit a complaint to the appropriate House or Senate Panel chairman on the same day that it forwards a copy of the complaint to each legislator named in the complaint.
- IV. The Council will not accept any complaints to either House or Senate Panel on a day that is 60 or fewer days before a general election, primary election, or other nominating event in which the cited legislator is running for office. If the Council receives such a complaint during that time, the Council shall notify the complainant that the filing will not be accepted and the reason that the complaint is rejected.

Applicable Code:

§ 30-114. Filing of complaints; procedures; disposition.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Panel, the Panel shall inquire into any alleged violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) by any member of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the Virginia Conflict of Interest and Ethics Advisory Council, which shall promptly (i) submit the complaint to the chairman of the appropriate Panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the Panel of the complaint. No complaint shall be filed with the Panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and the Panel shall not accept or act on any complaint received during this period.

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