

WHAT IS THE CODE OF ETHICS?

At Town Meeting in March of 2005, the voters of the Town of Hampstead passed a new Code of Ethic Ordinance to ensure that all public matters are given fair consideration, and to ensure that public office is not used for personal gain or advantage. The ordinance specifically prohibits public servants of the town from participating in activities that present a conflict between their personal interests and the best interests of the town. The Code of Ethics is designed to provide assurances to citizens of Hampstead of the integrity of Town Government and its public servants.

WHAT IS THIS DOCUMENT AND WHO WROTE IT?

This document was prepared by the Code of Ethics Commission and is meant to give you a brief introduction to the ordinance and to provide, to the extent possible, some guidance on actions that might be considered conflicts of interest.

The **Code of Ethics Commission** is a group of 5 citizens of Hampstead who do not hold any other Public Servant position with the town. The Commission's purpose is to educate the town regarding the ordinance, provide advice and counsel to Public Servants, and to hear and resolve ethics complaints.

This is not to be substituted for actually reading the ordinance itself, but can be used as a supplement to this document.

Examples of conflicts of interest include, but are not limited to:

- *Engaging in, or having any interest in, any business or private employment that conflicts with the proper discharge of your official duties.*
- *Use, or attempt to use, your Public Servant position to obtain financial gain or influence.*
- *Receive extra pay for giving expert evidence in any civil litigation brought by or against the Town.*
- *Coerce, or attempt to coerce, in any way, any public servant to engage in political activities.*
- *Require any subordinate Public Servant to participate in a political campaign.*
- *Misuse your official authority or influence for the purpose of interfering with or affecting the results of an election.*
- *Directly or indirectly coerce, command or advise another Public Servant to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose.*
- *Hold two offices that are statutorily incompatible with one another (RSA 669:7)*
- *Receive compensation except from the Town for performing any official duty.*

TOWN OF HAMPSTEAD, NH

Hampstead Code of Ethics Commission
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TOWN OF HAMPSTEAD, NH



WHAT YOU NEED TO KNOW ABOUT HAMPSTEAD'S CODE OF ETHICS

Prepared by:
**THE HAMPSTEAD CODE OF ETHICS
COMMISSION**

December 2005

FAQS ON THE HAMPSTEAD CODE OF ETHICS ORDINANCE

WHO IS SUBJECT TO THE ORDINANCE?

If you are a **Public Servant** of Town of Hampstead, you are subject to this ordinance. A public servant is any official either elected or appointed to a board, committee, or commission, whether the appointment is permanent or special (*subject from the moment you are elected or appointed, even if you are not yet sworn in*), or an employee (*subject for as long as you are employed by the Town*).

Volunteers are not subject to the Code of Ethics unless they are also public servants.

WHAT IS A "CONFLICT OF INTEREST"?

A conflict of interest can occur when a Public Servant engages "in any business or transaction or have a financial or personal interest, directly or indirectly on behalf of a family member, friend, neighbor, abutter, employer, employee, or client, which is in conflict with or incompatible with the proper discharge of his/her official duties or would tend to influence or impair his/her judgment and action in the performance of his/her official duties." (*See back for examples*)

HOW CAN I GET A COPY OF THE COMPLETE ORDINANCE?

If you are a Public Servant, you will be given a copy and be required to sign a statement that you received a copy of the Code of Ethics Ordinance.

Copies of the Ordinance are also available to the public at the Town Clerk's Office, and on the Town's website at www.hampsteadnh.us.

Even if you are not given a copy of the Ordinance, you are still responsible for complying with the Code of Ethics. So, make sure you receive your copy.....and read it thoroughly.

HOW CAN I AVOID VIOLATING THE ORDINANCE?

If you are in doubt as to an action or decision that you are faced with, you may ask for an **Advisory Opinion** from the Ethics Commission. You must get this Advisory Opinion prior to taking the action or making the decision.

More importantly, you can make this request *only on your own behalf*. The Commission will not consider or issue an Advisory Opinion requested by anyone other than the Public Servant involved.

WHAT HAPPENS IF I AM ACCUSED OF A VIOLATION?

If somebody files a formal complaint against you, and it is within the Ethics Commission's jurisdiction, you will receive a certified letter, along with a copy of the alleged violation, notifying you that an investigation will be conducted.

You will be asked to respond to the alleged violations in writing, and to meet with the Commission to present any materials relevant to the charges. You can choose whether you want to have a non-public hearing, or a public hearing with a notice posted in Town Hall.

After this meeting, the Commission will decide whether or not to proceed with an investigation.

Following any investigation, the findings of the Commission are then forwarded to the Board of Selectmen along with a recommendation for penalties (*if any*). If a petition has been dismissed by the Commission, a formal statement will be issued.

The Ethics Commission may dismiss the complaint at any point, without explanation. You may also request that the Ethics Commission make a finding on any complaint against you that is withdrawn, invalidated or dismissed. If you make this request, the Ethics Commission will complete the investigation.

The Selectmen then have 14 days from the day they receive the Ethic Commission's report and recommendation to decide whether to uphold those findings or substitute their own finding.

WHAT PENALTIES DO I FACE FOR A VIOLATION?

Recommended penalties relate to the severity of the Ethics violation. Among others, you may be subject to **written or oral warnings, suspension, immediate termination of employment, removal from office, official censure or reprimand, or forfeiture of elected office**. Any sanctions involving employees must consider any applicable personnel rules, due process, and/or collective bargaining agreements.

If you appear before the Ethics Commission, you may call witnesses on your behalf and/or retain representation by legal counsel at your own expense, providing that you have notified the Ethics Commission at least 5 days prior to the hearing that you will be represented by legal counsel.

You have the right to appeal any findings and/or sanctions to the Board of Selectman within 14 days of the decision.

HOW CAN I REPORT A SUSPECTED VIOLATION TO THE ETHICS COMMISSION?

If you are aware of a violation of Hampstead's Code of Ethics by any Public Servant of the Town of Hampstead, you may file a complaint to the Ethics Commission. You must make the allegation in writing, clearly stating:

- the name of the respondent, and
- when and where the alleged violation took place.

You must sign the petition and include the full names, addresses and telephone numbers of any other petitioners involved in issuing this complaint.

The Ethics Commission has a form for filing a complaint available at the Town Clerk's Office or on the Town Web site at www.hampsteadnh.us.

The petition must then be delivered to Town Hall during regular business hours in a sealed envelope addressed to the Ethics Commission at the address listed on this brochure.

The Chairperson of the Ethics Commission reviews the complaint to make sure that it has been properly filed. If the petition is not in proper order, you will be informed of what information is missing and you will have 10 days to resubmit your complaint. If you fail to resubmit within this period, your complaint will be dismissed, with prejudice.

If the petition is in proper order, the Ethics Commission will meet in executive session to review and determine if it is within the jurisdiction of the Commission's authority.

With Prejudice
means if a case is dismissed, a complainant cannot bring an action on that same claim.

You and any other petitioners must be present at all hearings at which your petition is on the agenda. If you (and the other petitioners) are **not** present, the petition **will** be dismissed with prejudice.

The Ethics Commission has 45 days from the time when the petition appears to conduct its investigation, hold hearings, and make a finding. The Ethics Commission may extend this period one time for up to an additional 15 days.

If the alleged violation is against a member of the Ethics Commission, the petition may be filed with the Board of Selectmen, who will proceed in an identical process.

*All time frames refer to **calendar days**.*