

40A:9-22.9 Complaints to Local Finance Board; notice; hearing; decision

The Local Finance Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee, **not regulated by a county or municipal code of ethics, is in conflict with the provisions of this act**, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the board shall conclude 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 local government officer or employee against whom the complaint was filed. Otherwise the board shall notify the local government 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 which he wishes. Thereafter, if the board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with **the provisions of this act**, the board shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to the attention of the board with respect to the conduct of the local government officer or employee. The board shall render a decision as to whether the conduct of the officer or employee is in conflict with the provisions of this act. This decision shall be made by no less than two-thirds of all members of the board. If the board determines that the officer or employee is in conflict **with the provisions of this act**, it may impose any penalties which it believes appropriate within the limitations of this act. **A final decision of the board may be appealed in the same manner as any other final State agency decision.**

40A:9-22.24 Complaints to municipal ethics board; notice; hearing; decision

The municipal ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee **serving the municipality is in conflict with the municipal code of ethics or financial disclosure requirements**, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The **ethics** board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the **ethics** board shall conclude 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 local government officer or employee against whom the complaint was filed. Otherwise the **ethics** board shall notify the local government 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 **ethics** board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with **the municipal code of ethics or any financial disclosure requirements**, it shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board. If the ethics board determines 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 of this act. A final decision of the **ethics** board may be appealed **to the Local Finance Board within 30 days of the decision.**