

**CODE OF ETHICS FOR  
SHAWANO COUNTY  
PUBLIC OFFICIALS AND EMPLOYEES**

**1.01 Declaration of Policy.**

(1) It is declared that high moral and ethical standards among County Public Officials and Employees are essential to the conduct of free government. The County Board of Supervisors believes that a Code of Ethics for the guidance of County Public Officials and County Employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this County in their County Public Officials and County Employees.

(2) It is the intent of the County Board of Supervisors that in its operations the Ethics Committee shall protect to the fullest extent possible the rights of individuals affected.

**1.02 Applicability.**

The provisions of this Code shall be applicable to:

- (1) All County Public Officials as defined in sec. 1.03(9); and
- (2) All full and permanent part-time Shawano County Employees, to the extent permitted by Wisconsin Law and any applicable Collective Bargaining Agreements.

(3) A member of the immediate family of a person listed in subs. (1-2) who is or may be associated with any organization that receives, or may receive, at least \$3,000.00, in the aggregate from Shawano County for goods, services or rentals within any 12-month period.

**1.03 Definitions.**

In this Code:

(1) "Anything of value" means money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the County, fees, honorariums and expenses which are permitted and reported in accord with secs. 2.04 and 2.05 of this Code, political contributions which are reported under state law, or hospitality extended for a purpose unrelated to County business by a person other than an organization.

(2) "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, either separately or together, at least 10% of the outstanding equity, voting rights or outstanding indebtedness.

(2m) "Board" means the Wisconsin Ethics Board.

(3) "Chairperson" means the Chairperson of the Ethics Committee.

(4) "Committee" means the Ethics Committee.

(4m) "Corporation Counsel" means the Attorney for Shawano County.

(4s) "Department Head" means the person who has ultimate authority over a County agency, office or department and who is directly responsible to a County Board Committee or County Committee, Board or Commission or to an appointing authority created by Statute.

(5) "Gift" means the payment or receipt of anything of value without valuable consideration.

(6) "Immediate Family" means:

(a) An individual's spouse; and

(b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(7) "Income" has the meaning given under Section 61 of the Internal Revenue Code.

(8) "Internal Revenue Code" has the meanings given under sec. 71.01(6), Stats.

(9) "County Public Official" means:

(a) County Board Supervisors.

(b) County Elected Officials: County Clerk, County Treasurer, Clerk of Circuit Court, County Sheriff, Register of Deeds and County Coroner.

(c) Members of any County Committee, Board or Commission appointed by the County, unless designated by the County Board in this Code or by amendment to this Code as not falling within the scope of this subsection.

(d) Department Heads.

(e) A person holding a management or supervisory position in any independent agency funded in full or in part by the County or operating under the authority of the County, not including the City-County Airport, the City-County Library, the Shawano Fair Board and any other agency designated by the County Board in this Code or by amendment to this Code as not falling within the scope of this subsection.

(10) "Verified" means sworn or affirmed and notarized.

#### **1.04 Disclosure Required.**

(1) All persons to whom this Code shall apply, shall, within sixty (60) days of enactment hereof, file a disclosure statement (Statement of Economic Interests) with the Committee on forms prescribed.

(2) In the case of Elected County Officials, a Statement of Economic Interests shall be filed after the election process but before taking the oath of office.

(3) In the case of a person elected by the County Board to fill a vacancy on the Board, a Statement of Economic Interests shall be filed within seven (7) days of the election.

(4) In the case of Appointed County Officials, a Statement of Economic Interests shall be filed after confirmation but before the assumption of official duties.

(5) In the case of Employees, a Statement of Economic Interests shall be filed prior to the beginning of the duties for which employed.

### **2.01 Standards of Conduct.**

(1) The County Board hereby reaffirms that a County Public Official or Employee holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct, is a violation of that trust. This Code does not prevent a County Public Official or Employee from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this County. The County Board further recognizes that in a representative democracy the Supervisors are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as County Public Officials or Employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for County Public Officials or Employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and

material; and that County Public Officials or Employees may need to engage in employment, professional or business activities, other than Official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this Code.

(2) No County Public Official or Employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.

(3) No person, directly or indirectly, may offer or give to a County Public Official or Employee, and no County Public Official or Employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the County Public Official's or Employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the County Public Official or Employee. This subsection does not prohibit a County Public Official or Employee from engaging in outside employment.

(3m) No County Public Official or Employee may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with secs. 2.04 and 2.05 of this Code.

(4) No County Public Official or Employee may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, for any other person, or for any organization in which he or she or any member of his or her immediate family is associated with if the information has not been communicated to the public or is not public information.

(5) No County Public Official or Employee may use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself, herself or others.

(6) No County Public Official or Employee, member of a County Public Official's or Employee's immediate family, nor any organization with which the County Public Official or Employee or a member of the Official's or Employee's immediate family is a director, officer or trustee, or owns or controls directly or indirectly, either separately or together, at least 10% of the outstanding equity, voting rights or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000.00 within a 12-month period, in whole or in part derived from County funds unless the County Public Official or Employee has first made written disclosure of the nature and extent of such relationship or interest to the

Ethics Committee and to the department acting for the County in regard to such contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the County in an action commenced within 3 years of the date on which the Ethics Committee or the department or officer acting for the County in regard to the allocation of County funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of sec. 946.13, Stats.

(7) Any official or employee of Shawano County shall conduct himself/herself at all times in a manner which shall reflect creditably on Shawano County and such elected official/employee shall also adhere to all rules and regulations established by Shawano County.

## **2.02 Conflict of Interest Prohibited; Exception.**

(1) Except in accordance with the Committee's advice under sub. (2) and except as otherwise provided in sub. (2), no County Public Official or Employee may:

(a) Take any Official action substantially affecting a matter in which the Official or Employee, a member of his or her immediate family, or an organization with which the Official or Employee or a member of his or her immediate family is associated has a substantial financial interest.

(b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the Official or Employee, one or more members of the Official's or Employee's immediate family either separately or together, or an organization with which the Official or Employee or a member of his or her immediate family is associated.

(2) Any individual, either personally or on behalf of an organization or governmental body, may request of the Committee an Advisory Opinion regarding the propriety of any matter to which the person is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the Committee an Advisory Opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The Committee shall review the request for an Advisory Opinion and may advise the person making the request. Advisory Opinions and requests therefore shall be in writing. The Committee's deliberations and actions upon such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this Code when a person refers a matter to the Committee and abides by the Committee's Advisory Opinion, if the material facts are as stated in the Opinion request. The Committee may authorize the Chairperson or Corporation Counsel to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No

member of the Committee may make public the identity of the individual requesting an Advisory Opinion or of individuals or organizations mentioned in the Opinion.

(3) This section does not prohibit a County Public Official or Employee from taking any action concerning the lawful payment of salaries or Employee benefits or reimbursement of actual and necessary expenses, or prohibit a County Public Official or Employee from taking official action with respect to any proposal to modify County law.

(4) Nepotism shall be avoided whenever it shall be practicable to do so. Recognition is hereby given that County demographics and location may require consideration of job applicants who may have a familial relationship to other County Employees and elected or appointed County Public Officials. However, it shall be a prerequisite that prior to actual hiring of any applicant, full disclosure shall be made to the Administrative Committee and the Ethics Committee of any familial relationship involving a member of the immediate family. If an applicant has been found to be the best qualified and if there has been full disclosure, such familial relationship shall not serve as a bar to employment.

For purposes of this subsection, persons having a "familial relationship" include spouses, parents, children, brothers, sisters, brothers- and sisters-in-law, fathers- and mothers-in-law, stepparents, stepsiblings, stepchildren and individuals who are not legally related but who reside with another Employee.

### **2.03 Prohibited Conduct.**

The use of County property for personal use or gain is hereby expressly prohibited unless such use shall have the prior written approval of the Home Committee of the particular department for good cause shown and with appropriate remuneration to the County.

### **2.04 Gratuities.**

The intent of this section is to expressly prohibit gratuities of a value and nature which are likely to influence the recipient. It is not the intent to prohibit insignificant gratuities that may be given in the normal course of business and which would not tend to influence the recipient. Examples of such insignificant gratuities are unsolicited advertising or promotional materials such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or other such things. Personal gratuities with a value between \$10.00 and \$50.00 shall be reported to the Ethics Committee. Personal gratuities with a value of \$50.00 or greater are expressly prohibited. Such gratuities of a value greater than \$50.00 may be accepted in the name of the County only and shall be the property of the County for disposition as the Shawano County Board may determine.

The aggregate value of all such gifts and/or gratuities shall not exceed \$50.00 per person in any given calendar year.

Notwithstanding the above provisions, any overnight trip, regardless of its purpose, taken by a County Public Official or Employee together with a vendor doing business with Shawano County is prohibited unless prior approval by the Home Committee or the Ethics Committee is obtained.

No Employee shall solicit any gratuity from any source.

### **2.05 Honorariums, Fees and Expenses.**

Every County Public Official and Employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting a Department. Free meals offered in connection with such gatherings are not in violation of this Code and need not be reported. Compensation and expenses paid by the State, County, a municipal entity, a school district, other like governmental or quasi-governmental entity or a non-profit group are permitted so long as such compensation and expenses do not exceed actual compensation and expenses. Any other honorarium, fee or expense paid in excess of \$10.00 per event or \$50.00 annually shall be reported to the Ethics Committee.

### **3.01 Creation of Ethics Committee.**

(1) An Ethics Committee is hereby created.

(2) The Ethics Committee shall be comprised of three (3) public members selected geographically from Shawano County and two (2) County Board Supervisors, all with voting rights. One (1) public appointee shall be chosen from the East, one (1) from the West and one (1) from the Central area according to population. The members, including their immediate family, shall not be County Employees nor hold any other County Public Office, excepting that the County Board Supervisors on the Committee shall be Elected Officials holding a County Public Office. The term of office shall be for three (3) years, except the original public appointees shall be appointed to serve until January 1, 1989, 1990 and 1991 respectively and the terms of office of the County Board Supervisors shall coincide with his/her term of office on the Board.

(3) The members shall elect a Chairperson, a Vice Chairperson and a Secretary.

### **3.02 Duties of the Ethics Committee.**

The Ethics Committee shall:

(1) Adopt such rules as may be necessary to carry out this Code. The Committee shall give prompt notice of the contents of its rules to County Public Officials and Employees who will be effected thereby.

(2) Accept and maintain in its possession, by filing in the manner prescribed by law and this Code, in a separate

filing location within the Department of Administration, any information related to the purposes of this Code which is required by this Code or voluntarily supplied by any person.

(3) Keep Committee minutes, agendas of the Meetings and Notices of Meetings in the County Clerk's Office.

(4) Use the Office of the Corporation Counsel to carry out its duties, including receiving legal assistance upon request regarding interpretation of the language and procedural aspects of the Code. If the Corporation Counsel cannot be used because of conflict of interest, then the Committee may hire an attorney with the approval of the Finance Committee. A maximum of \$500.00 per complaint may be authorized as payment by the Committee without other approval. In excess of \$500.00, that amount shall be approved by the County Finance Committee.

(5) Report to the Board after its organizational meeting and annually thereafter. The County Board hereby reserves the right to require interim reports.

(6) Review Statements of Economic Interests to assure compliance with this Code, and take such steps as are necessary to ensure compliance.

(7) Upon request, issue Advisory Opinions regarding the propriety of any matter to which that person or organization is or may become a party.

(8) Investigate and conduct Hearings with respect to Complaints in accord with secs. 4.01 through 5.03 of this Code.

#### **4.01 Complaints.**

(1) Complaints shall be filed with the Corporation Counsel who shall accept them and forward them to the Chairperson of the Ethics Committee within five (5) days. All Complaints shall be sent to the Ethics Committee for review. All such Complaints shall remain confidential.

(2) Complaints which can be acted upon by the Ethics Committee must be in writing and verified, stating the name of the person alleged to have committed a violation of this Code and setting out particular facts to support the allegations.

(3) The Ethics Committee shall review all Complaints for compliance with the requirements of this Code.

(4) If the Complaint complies with the requirements of this Code, the Committee shall forward to the Subject of the Complaint within ten (10) days after review a copy of the Complaint and a general statement of the Procedural Rules of the Ethics Committee. Service of the notice is complete upon mailing.

(5) If the Committee determines that the verified Complaint does not allege facts sufficient to constitute a violation of this Code, it shall dismiss the Complaint and notify the complainant and the Subject of the Complaint.

(6) If the Committee determines that the verified Complaint was brought for harassment purposes, the Committee shall so state.

(7) If the Committee determines that the verified Complaint alleges facts sufficient to constitute a violation of this Code, it shall make an investigation with respect to the alleged violation.

(8) Any County Public Official may request the Ethics Committee to make an investigation of his or her own conduct or of allegations made by other persons as to his or her conduct. Such a request shall be made in writing and shall set forth in detail the reasons.

(9) Upon the receipt of other information, whether or not under oath, which provides a reasonable basis for the belief that a violation of this Code has been committed or that an investigation of a possible violation is warranted, the Committee may investigate the circumstances concerning the possible violation. Such investigation shall be initiated by a Resolution of the Committee and shall state the nature and purpose of the investigation and the actions or activities to be investigated. No investigation of any person may be commenced under this subsection until it has been authorized by the Committee and until the person who is the Subject of the Investigation has been notified of the investigation pursuant to sub. (10).

(10) Upon adoption of the Resolution authorizing the Investigation, the Committee shall mail a copy of the Resolution to the Subject of the Investigation together with a notice informing the Subject of the Investigation that he or she is the Subject of the Investigation authorized by this

Resolution and a general statement of the Procedural Rules with respect to the investigation. Service of the notice is complete upon mailing.

(11) If the Committee, during the course of an investigation, finds probable cause to believe that a violation of this Code has occurred, it may:

(a) If no verified Complaint has been filed, prepare upon its own motion a Complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this Code and shall set out particular facts to support the allegations. The Committee shall forward to the Subject of the Complaint within ten (10) days of formal action a copy of the Complaint, a general statement of the Procedural Rules with respect to the Complaint and a specific statement enumerating the source or sources of information upon which the Complaint is based.

(b) If a verified Complaint has been filed and the Committee finds probable cause to believe that a violation of this Code, other than one contained in the Complaint has occurred, the Committee may amend the Complaint, upon its own motion, to include such violations. If the Complaint is so amended by the Committee, a copy of the amended Complaint shall be sent to the Subject of the Complaint within ten (10) days of formal action of the Committee.

(12) No action may be taken on any Complaint which is filed later than one (1) year after a violation of this Code is alleged to have occurred.

(13) There shall be no retaliation, in any form or manner, for Complaints or requests for Advisory Opinions made with the Committee in good faith. If any Employee shall, in good faith, believe that retaliation has been taken for the filing of a Complaint or request for Advisory Opinion, the Employee may follow established grievance procedures.

#### **4.02 Powers Related to Investigations and Hearings.**

In any investigation or Hearing conducted under this Code, the Committee has the power:

(1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this Code as the Committee may prescribe, such submission to be made within such period and under oath or otherwise as the Committee may determine.

(2) To administer oaths and to require by subpoena issued by the Chairperson the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or Hearing being conducted.

(3) To order testimony to be taken by deposition before any individual who is designated by the Committee and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (2).

(4) To pay witnesses the same fees and mileage as are paid in like circumstances by the Courts of this state.

(5) To request from the Department of Revenue copies of state income tax returns and access to other appropriate information under sec. 71.78(4), Stats. regarding all persons who are the Subjects of an Investigation or Complaint.

#### **4.03 Probable Cause of Violation**

(1) At the conclusion of its investigation, the Committee shall, in preliminary written Findings Of Fact and Conclusions based thereon, make a Determination of whether or not probable cause exists to believe that a violation of this Code has occurred. If the Committee determines that no probable cause exists, it shall immediately send written notice of this Determination to the Subject of the Complaint and to the party who made the Complaint. If the Committee determines that there is probable cause for believing that a violation of this Code has been committed, its preliminary Findings Of Fact, Conclusions and Determination may contain:

(a) A recommendation for criminal prosecution which shall be referred to the District Attorney in whose jurisdiction the alleged violation occurred, and, if the District Attorney fails to commence a prosecution within thirty (30) days, to the Attorney General who may then commence a prosecution; or

(b) An Order setting a date for Hearing before the Committee to determine whether a violation of this Code has occurred. The Committee shall serve the Order upon the Subject of the Complaint within ten (10) days after formal action of the Committee. A Hearing ordered under this subsection shall be commenced within thirty (30) days of the date it is ordered unless the Subject of the Complaint petitions for, and the Committee consents to, a later date. Prior to any Hearing ordered under this subsection, the subject of the Complaint is entitled to full discovery rights, including adverse examination of witnesses who will testify at the Hearing at a reasonable time before the date of the Hearing.

(2) The Committee shall inform the Subject of the Complaint or his or her counsel of exculpatory evidence in its possession.

(3) If the Committee makes a recommendation for criminal prosecution under sub. (1), the District Attorney to whom the recommendation is made shall, within thirty (30) days of receipt of this recommendation, make a decision whether to prosecute the Subject of the Complaint. The Committee shall give written notice of any referral under this Code to the Subject of the Complaint. The District Attorney shall give written notice of the decision to the Subject of the Complaint, the Complainant and the Committee.

(4) If the District Attorney does not make any decision within thirty (30) days of receipt of such recommendation, the Committee shall refer this matter to the Attorney General, who may then commence a prosecution.

(5) The time limits in this section are directory, not mandatory. Failure to comply shall not be cause for dismissal, unless the rights of the Subject of the Complaint are prejudiced.

### **5.01 Hearing Procedure.**

(1) During any investigation and during any Hearing which is conducted to determine whether a violation of this Code has occurred, the person under investigation or the Subject of the Complaint shall have the following rights:

- (a) To be represented by counsel of his or her own choosing; and
- (b) To challenge, by himself or herself or by his or her counsel, if any, the sufficiency of any Complaint which has been filed against him or her; and
- (c) To examine all documents and records obtained or prepared by the Committee in connection with the matter heard; and
- (d) To exercise fully any pretrial discovery procedure usually available in Civil Actions; and

(e) To bring witnesses, including the right to compel the attendance of necessary witnesses by subpoena issued by the Chairperson of the Committee upon request of the Subject of the Complaint; and

(f) To establish all pertinent facts and circumstances; and

(g) To question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses; and

(h) To have adequate opportunity to rebut or offer countervailing evidence or to have any other person under investigation afforded adequate opportunity to rebut or offer countervailing evidence.

(2) During any Hearing conducted by the Committee to determine whether a violation of this Code has occurred, all evidence including certified copies or records which the Committee considers shall be fully offered and made a part of the record in the proceedings.

(3) Any person whose name is mentioned or who is otherwise identified during a Hearing being conducted by the Committee and who, in the opinion of the Committee, may be adversely affected thereby, may, upon request of the person or a representative of the person, or upon the request of any member of the Committee, appear personally before the Committee and testify on his or her own behalf or have a representative appear to so testify.

(4) The Committee may permit any other person to appear and to testify at a Hearing.

(5) The Hearing shall be open unless the Subject of the Complaint or other person specified in sub. (3) above petitions for the Hearing to be closed to the public and good cause to close the Hearing is shown to a majority of the Committee.

(6) The Rules of Evidence set out in Chaps. 901 to 911, Stats. shall be reasonably applied in all Hearings under this section, subject to due consideration that this Hearing is an Administrative Hearing, similar to those set out in Chap. 227, Stats.

(7) The Burden of Proof applicable to Hearings under this section shall be clear and convincing.

(8) After the conclusion of its Hearing, the Committee shall as soon as practicable begin deliberations on the evidence presented at such Hearing and shall then proceed to determine whether the Subject of the Complaint has violated this Code.

(9) A unanimous vote of the Committee shall be necessary to find a violation of this Code.

## **5.02 Findings of Fact and Conclusions; Order and Recommendations.**

(1) If the Committee determines that no violation of this Code has been shown, it shall immediately send written notice of such determination to the Subject of the Complaint and to the party who made the Complaint.

(2) If the Committee determines that a violation of this Code has occurred, the Committee shall issue written Findings of Fact and Conclusions with one or more of the following Orders or Recommendations:

(a) A Recommendation that the County Public Official or Employee be censured, suspended or removed from office or employment. Such Recommendation shall be made to the appropriate appointing authority or to the County Board (if necessary) who may censure, suspend or take action to remove the County Public Official or Employee from office or employment.

(b) An Order requiring the Subject of the Complaint to conform his or her conduct to this Code.

(c) An Order requiring the Subject of the Complaint to forfeit not more than \$500.00 for each violation of this Code or, if the Committee determines that the Subject of the Complaint obtained economic gain from such violation of this Code, an amount equal to the amount of economic gain as determined by the Committee. The Corporation Counsel, when so requested by the Committee, shall institute proceedings to recover any forfeiture incurred under this paragraph which is not paid by the person against whom it is assessed.

(d) Such other Recommendation or Order as may be necessary and appropriate and is consistent with the intent and purposes of this Code.

### **5.03 Rehearings.**

(1) After the service upon the Subject of the Complaint by the Committee of any Decision containing an Order or Recommendation, the Subject of the Complaint may apply to the Committee for a Rehearing with respect to any matter determined in such Decision.

(2) No Order of the Committee becomes effective until twenty (20) days after it is issued, or while an Application for a Rehearing or a Rehearing is pending or until ten (10) days after such application for Rehearing is either denied, expressly or by implication, or the Committee has announced its final Determination on Rehearing.

(3) An Application for Rehearing must be filed within twenty (20) days of the Order or Recommendation.

(4) Rehearings shall be governed by such general Rules as the Committee may establish.

(5) Only one (1) Rehearing may be granted by the Committee.

### **6.01 Public Inspection Of Records.**

(1) All records in the possession of the Committee filed with the County Clerk are open to public inspection at all reasonable times.

(2) All other records in the possession of the Committee which are open to public inspection shall be open to public inspection at all reasonable times, but the Committee shall require an individual wishing to examine these records to provide his or her full name and address, and if the individual is representing another person, the full name and address of the person whom he or she represents. No individual may use a fictitious name or address or fail to identify a principal in making any request for inspection. Such identification shall be provided in writing.

(3) The Committee shall record and retain for at least three (3) years information obtained by it pursuant to this Code.

(4) The following Records in the Committee's possession are not for public inspection:

(a) Records obtained in connection with a request for an Advisory Opinion other than summaries of Advisory Opinions that do not disclose the identity of individuals requesting such Opinions or organizations on whose behalf they are requested. The Committee may, however, make such Records public with the consent of the individual requesting the Advisory Opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an Advisory Opinion requested by or on

behalf of the person is deemed to have waived the confidentiality of the request for an Advisory Opinion and of any Records obtained or prepared by the Committee in connection with the request for the Advisory Opinion.

(b) Records obtained or prepared by the Committee in connection with an investigation, except that the Committee shall permit inspection of Records that are made public in the course of a Hearing by the Committee to determine if a violation of this Code has occurred. Whenever the Committee refers such investigation and Hearing Records to a District Attorney or to the Attorney General, they may be made public in the course of a prosecution initiated under this Code.

#### **7.01 Committee Remuneration.**

Remuneration of the Committee, both per diem and mileage, shall be that as then currently prescribed for the County Board.

#### **7.02 Retroactivity.**

As to applicable persons other than elected Officials, any business association which, prior to enactment of this Ordinance on November 16, 1988, was not otherwise proscribed, shall not be proscribed by the terms of this Ordinance providing full disclosure is made thereof.

#### **7.03 Budget.**

The Committee shall submit an annual budget at the time of, and in the manner of, submission of all other County Departmental budgets. The budget of the Committee shall be established by the County Board in the same manner as for other County Departmental budgets.

#### **8.01 Application.**

This Code shall be liberally construed in its application so as to effect the stated intent hereof.