

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

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MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

~~Policy and Procedure No. 0.0~~ _____ ~~Date Issued: 8-25-80~~

~~Subject: Policy and Procedure Manual~~ _____ ~~Date (s) amended: 4-26-83~~

~~I. Purpose~~

~~It is necessary for the Ethics Commission staff to be aware of general policies and procedures established by the Commission and executive director.~~

~~The purpose of this policy and procedure is to establish and explain the system of providing information to the staff on the Commission's policies and procedures. This system of disseminating this information to the staff has been developed and outlined in the following paragraphs.~~

~~II. General~~

~~The Ethics Commission is charged with a unique and sensitive function in meeting its legislative purpose as set forth in Section 25-4-1, Mississippi Code of 1972. The Ethics Commission has on its staff some of the most qualified individuals in state government and the Commission needs only to communicate its rules, policies and procedures in order that the staff may carry out these duties in a standard and professional manner while observing the highest caliber of decorum and public presence.~~

~~To accomplish this, the office of the executive director has developed this Policy and Procedure Manual containing instructions ranging from guides for performing tasks through, and including, standards of personal conduct. Each staff member should read and become familiar with this manual. The Commission expects every member of the staff to comply with all provisions of the current instructions and each are binding on the staff members as long as they are contained in this manual.~~

~~III. Procedures~~

~~A. Information distributed to the staff will be accomplished through the use of policies and procedures. Whenever the need arises for instructions to the staff, the executive director or Commission members will authorize the release of a policy or procedure.~~

~~B. For filing purposes and ease in identification of subject matter, a numbering system for the policies and procedures has been established based on subject codes issued to information categories. The system consists of a subject title and number; each category is a major heading and any subject under that category would be a subheading and so identified by that number.~~

- ~~C. A record of the policies and procedures issued, including a copy of each policy and procedure, will be maintained by the executive secretary.~~
- ~~D. Each policy and procedure issued will be signed by the Executive Director of the Mississippi Ethics Commission.~~
- ~~E. Policies and procedures will be distributed to every member of the staff. Upon receipt, each staff member will read the policy and procedure and sign and date it, indicating they have read and understood it.~~

Received and Read by: _____ Approved by:

Name _____ Ronald E. Crowe

Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 1.1

Date issued: 5-31-84



MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. ~~1.2~~ Date issued: ~~7-11-80~~

Subject: ~~General Rules and Regulations~~ Date(s) amended: ~~3-06-81~~
~~10-14-81~~
~~4-05-84~~
~~3-07-97~~

I. ~~Purpose~~

~~These rules and regulations set forth the guidelines by which the Ethics Commission members and staff shall carry out their duties and maintain the confidentiality and integrity of the Commission pursuant to Section 25-4-17(g), Mississippi Code of 1972.~~

II. ~~General~~

~~These rules and regulations are intended to augment, or elaborate on, provisions of the Ethics Statute contained in Chapter 4, Mississippi Code of 1972, and if any conflicts arise, the statute will prevail. Statutory provisions shall be the governing authority where rules are not provided.~~

III. ~~Procedures~~

A. ~~Organization~~

- ~~1. The Ethics Commission shall be composed of eight members, each of whom shall be a qualified elector of the State of Mississippi and of good moral character and integrity.~~
- ~~2. The Commission shall elect annually one member to serve as chairman, one member to serve as vice chairman, and one member to serve as secretary. These officers shall be elected at the first meeting following November 15 of each year, making the terms of office coterminous with the terms of appointments. The vice chairman shall act as chairman in the absence or upon the disability of the chairman, or in the event of a vacancy in the office of chairman.~~
- ~~3. Five members of the Commission shall constitute a quorum. Five members of the Commission shall vote in the affirmative before any official action can be taken by the Commission, unless herein delegated to the chairman or executive director. All motions shall be followed by a second to the motion before being put to a vote by the Commission, and execution of such official action may be delegated to the chairman or the executive director of the Commission.~~

- ~~4. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission, subject to the statutory requirements for a quorum.~~
- ~~5. There shall be an executive director appointed by the Commission who shall serve at the will and pleasure of the Commission, and whose duties and responsibilities shall be enumerated by the Commission.~~
- ~~6. The executive director shall be responsible to the full Commission as an entity and shall not be answerable to any individual member of the Commission. The director shall, however, keep the chairman advised as to the progress and conduct of the operation and employees of the Commission.~~
- ~~7. All employees, other than the executive director, shall be recommended to employment by the executive director and shall be employed only with the approval and consent of the statutory majority of members. The employees, once approved for employment, become the sole responsibility of the executive director in all matters common to an employer/employee relationship.~~

~~B. Meetings~~

- ~~1. The Commission shall meet on the first Friday of each month at 10:00 a.m., unless by the statutory majority vote these times are amended. All meetings will be held as scheduled, unless at the prior meeting there is a different date set; however, if there should be some reason why a quorum could not be present at that meeting, then the members will be notified at least ten days before the scheduled meeting. An emergency meeting of the Commission may be called, if necessary, if the chairman and five members of the Commission so desire.~~
- ~~2. The executive director shall prepare a proposed agenda for each meeting to be distributed to Commission members at least five days before the meeting.~~

~~C. Rules~~

- ~~1. Robert's Rules' of Order shall constitute the rules of the Commission meeting and hearings where applicable, and except as may be modified by specific rules that may be adopted by the Commission from time to time.~~
- ~~2. Any violation of any rules of the Commission by any member of the Commission shall subject the member to reprimand by the Commission.~~

3. ~~If in the opinion of any member of the Commission, said member has a conflict of interest in any matter under investigation or inquiry, said member shall recuse voluntarily; or if a majority of those present and voting should determine that any member of the Commission has a conflict of interest in an investigation or inquiry of any matter before the Commission, said member shall be recused.~~

~~D. Duties~~

1. ~~The duties of the executive director as enumerated by the Commission shall include, but are not limited to~~
 - a. ~~Prescribe forms for the statement of economic interest required to be filed pursuant to the statute and furnish such forms to person required to file such statement of economic interest.~~
 - b. ~~Accept and file any statement of information voluntarily supplied by persons required to file a statement of economic interest that exceeds the requirements of the statute.~~
 - c. ~~Develop and maintain a filing, coding, and cross indexing system of statements of economic interest, complaints, responses, and other actions of the Commission.~~
 - d. ~~Make statements of economic interest available for public inspection and copying during regular business hours and make copying facilities available at a reasonable charge to defray the cost of copying; provided, however, each person examining or being provided a statement of economic interest on file with the Commission shall be required to state his name, address, occupation, telephone number and specific statement of economic interest being examined.~~
 - e. ~~Preserve such statements of economic interest for a period of seven years from the date of their report.~~
 - f. ~~Establish such rules and regulations which shall insure and maintain the confidentiality and integrity of the Commission, its proceedings, investigations, and findings and insure that all matters designated as confidential shall remain confidential provided, however, that nothing shall be construed to prohibit the Commission, in its discretion, from releasing information to the public relating to its findings, proceedings, or investigations if the person under investigation makes such a request, or from holding open meetings on non-confidential matters.~~

- ~~g. Receive information from any proper source, including allegations and complaints.~~
- ~~h. Present complaints and make recommendations to the Commission.~~
- ~~i. Conduct and/or supervise investigations as directed by the Commission.~~
- ~~j. Prepare an annual report of the Commission's activities.~~
- ~~k. Employ, upon the direction of the Commission, special counsel or experts necessary to investigate and process matters for the Commission.~~
- ~~l. The power to sign and execute any subpoena and/or subpoena duces tecum by the Ethics Commission is hereby delegated to the executive director of the Commission.~~

~~The serving of any subpoena issued by the Ethics Commission may be delegated by the executive director to any member of the Commission staff.~~

- ~~m. The power to issue a subpoena and/or subpoena duces tecum on behalf of the Ethics Commission on a limited basis is hereby delegated to the executive director of the Commission. The executive director may issue such subpoena and/or subpoena duces tecum when in the executive director's judgment a delay in issuing the subpoena and/or subpoena duces tecum until the next regular meeting of the Commission would do harm to an investigation being conducted by the Commission in response to a sworn complaint.~~
- ~~n. Oversee preparation and research of advisory opinions.~~

~~IV. The rules and regulations set forth herein have been established by the Mississippi Ethics Commission and any amendments or additions thereto must be approved by the majority vote of the Commission members.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date

Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 1.3 _____ Date issued: 4-15-81

Subject: Commission Meetings, _____ Date(s) amended: 4-05-84
_____ Hearings and Minutes

I. _____ Purpose

~~The purpose of this policy is to set forth guidelines by which Ethics Commission meetings and hearings will be conducted and for the recording of the minutes of meetings and hearings.~~

II. _____ Because of the confidentiality provisions of the Ethics Law, the Ethics Commission must exclude the general public from certain portions of its meetings and the inspection of related minutes.

~~The following procedures will be followed by the Ethics Commission members and staff in conducting meetings and recording minutes.~~

III. _____ Procedures

A. _____ Open session

1. _____ All open sessions of the Ethics Commission are open to the public at all times.
2. _____ Minutes shall be kept of all open sessions, recording names of members present and any final actions taken at such meetings.
3. _____ Minutes of the open session shall be available for public inspection during regular business hours.

B. _____ Executive session

1. _____ The Ethics Commission may go into executive session as provided in Section 25-41-7, Mississippi Code of 1972.
2. _____ The executive secretary to the Commission, or designee, shall record the circumstances and procedures relating to executive session. The final action taken following executive session will also be recorded.

3. ~~Access to the minutes of executive sessions will be in accordance with current state law.~~

~~C. Complaint proceedings~~

1. ~~The Ethics Law provides that the Ethics Commission shall “. . . establish such rules and regulations which shall insure and maintain the confidentiality and integrity of the commission, its proceedings, investigations and findings, . . .”; therefore, when the Commission meets and considers matters relating to a complaint, investigation, or findings of an investigation, the meeting will be considered a confidential session as contained in Section 25-4-23 of the Mississippi Code of 1972.~~
2. ~~Actions of the Commission in a confidential session will be recorded by the executive secretary, or designee, in the Commission’s complaint proceedings book.~~
3. ~~The minutes of Commission complaint sessions will be available to no one except Commission members or designated staff members as necessary in connection with their assigned duties.~~

~~D. Commission hearings~~

1. ~~The Ethics Commission may conduct such hearings as are necessary to examine witnesses for the purpose of clarifying, or simplifying, the facts and circumstances of a complaint, the response to a complaint, or the findings of an investigation.~~
2. ~~Ethics Commission hearings will be held at a location designated by the Commission.~~
3. ~~Conduct at hearings.~~
 - a. ~~Ethics Commission hearings shall be as informal as may be reasonable and appropriate under the circumstances.~~
 - b. ~~All witnesses, parties, or authorized representatives, or other persons present at hearings, shall conduct themselves in a manner not to disrupt the proceedings, and where such decorum is not observed, the Commission may take appropriate action to exclude any party, authorized representative, witness, or person from a hearing for contemptuous conduct.~~
 - c. ~~The chairman or, in the absence of the chairman, the vice chairman, shall administer the oath or affirmation, if required, to all witnesses and shall preside over all hearings.~~

- d. ~~Upon motion of the Commission, the testimony of the witness may be taken under oath.~~
- e. ~~Testimony under oath before the Commission shall be recorded electronically in the presence of the parties or witnesses and the tapes filed for the record.~~
- f. ~~The formal rules of evidence observed by courts shall not apply to hearing proceedings.~~
- 4. ~~All final decisions shall be made by a majority vote of the Commission. The findings and final decisions by the Commission shall be provided in writing to the parties to the complaint.~~
- 5. ~~Decisions made by the Commission following a hearing shall be recorded in the complaint proceedings minutes book and will be available to no one except Commission members or designated staff members as necessary in connection with their assigned duties.~~

IV. ~~Conclusion~~

~~The intent of these regulations is to promote high standards of confidentiality and conduct by the Commission and its staff, and insure that all matters designated as confidential remain confidential.~~

Received and read by: _____ Approved by:

 Name _____ Ronald E. Crowe, Executive Director

 Date _____ Date
 1 _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 1.3 _____ Date issued: 4-15-81

Subject: Commission Meetings, _____ Date(s) amended: 4-05-84
_____ Hearings and Minutes

I. _____ Purpose

~~The purpose of this policy is to set forth guidelines by which Ethics Commission meetings and hearings will be conducted and for the recording of the minutes of meetings and hearings.~~

II. _____ Because of the confidentiality provisions of the Ethics Law, the Ethics Commission must exclude the general public from certain portions of its meetings and the inspection of related minutes.

~~The following procedures will be followed by the Ethics Commission members and staff in conducting meetings and recording minutes.~~

III. _____ Procedures

A. _____ Open session

1. _____ All open sessions of the Ethics Commission are open to the public at all times.
2. _____ Minutes shall be kept of all open sessions, recording names of members present and any final actions taken at such meetings.
3. _____ Minutes of the open session shall be available for public inspection during regular business hours.

B. _____ Executive session

1. _____ The Ethics Commission may go into executive session as provided in Section 25-41-7, Mississippi Code of 1972.
2. _____ The executive secretary to the Commission, or designee, shall record the circumstances and procedures relating to executive session. The final action taken following executive session will also be recorded.

3. ~~Access to the minutes of executive sessions will be in accordance with current state law.~~

~~C. Complaint proceedings~~

1. ~~The Ethics Law provides that the Ethics Commission shall “. . . establish such rules and regulations which shall insure and maintain the confidentiality and integrity of the commission, its proceedings, investigations and findings, . . .”; therefore, when the Commission meets and considers matters relating to a complaint, investigation, or findings of an investigation, the meeting will be considered a confidential session as contained in Section 25-4-23 of the Mississippi Code of 1972.~~
2. ~~Actions of the Commission in a confidential session will be recorded by the executive secretary, or designee, in the Commission’s complaint proceedings book.~~
3. ~~The minutes of Commission complaint sessions will be available to no one except Commission members or designated staff members as necessary in connection with their assigned duties.~~

~~D. Commission hearings~~

1. ~~The Ethics Commission may conduct such hearings as are necessary to examine witnesses for the purpose of clarifying, or simplifying, the facts and circumstances of a complaint, the response to a complaint, or the findings of an investigation.~~
2. ~~Ethics Commission hearings will be held at a location designated by the Commission.~~
3. ~~Conduct at hearings.~~
 - a. ~~Ethics Commission hearings shall be as informal as may be reasonable and appropriate under the circumstances.~~
 - b. ~~All witnesses, parties, or authorized representatives, or other persons present at hearings, shall conduct themselves in a manner not to disrupt the proceedings, and where such decorum is not observed, the Commission may take appropriate action to exclude any party, authorized representative, witness, or person from a hearing for contemptuous conduct.~~
 - c. ~~The chairman or, in the absence of the chairman, the vice chairman, shall administer the oath or affirmation, if required, to all witnesses and shall preside over all hearings.~~

- d. ~~Upon motion of the Commission, the testimony of the witness may be taken under oath.~~
- e. ~~Testimony under oath before the Commission shall be recorded electronically in the presence of the parties or witnesses and the tapes filed for the record.~~
- f. ~~The formal rules of evidence observed by courts shall not apply to hearing proceedings.~~
- 4. ~~All final decisions shall be made by a majority vote of the Commission. The findings and final decisions by the Commission shall be provided in writing to the parties to the complaint.~~
- 5. ~~Decisions made by the Commission following a hearing shall be recorded in the complaint proceedings minutes book and will be available to no one except Commission members or designated staff members as necessary in connection with their assigned duties.~~

IV. ~~Conclusion~~

~~The intent of these regulations is to promote high standards of confidentiality and conduct by the Commission and its staff, and insure that all matters designated as confidential remain confidential.~~

Received and read by: _____ Approved by:

 Name _____ Ronald E. Crowe, Executive Director

 Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 1.4 _____ Date issued: 8-11-83

Subject: Advisory Opinions on _____ Date(s) amended: 4-05-84
_____ Conflict of Interest

I. _____ Purpose

~~The reenactment of the Ethics Law by the 1982 legislature provided for the Ethics Commission to issue advisory opinions on "standards of conduct" after such standards were enacted into statutory law.~~

~~The purpose of this policy and procedure is to set forth guidelines for issuing such advisory opinions on standards of conduct pertaining to conflicts of interest. See Section 25-4-17(i) concerning the power to issue advisory opinions.~~

II. _____ General

~~The 1983 session of the Mississippi Legislature enacted Senate Bill 2768, now Section 25-4-101 through Section 25-4-117, which contained the standards of prohibitions and exemptions on conflicts of interest.~~

~~The following instructions apply to the request and issuance of advisory opinions.~~

III. _____ Procedures

A. _____ All requests for advisory opinions must be in writing.

1. _____ The request must contain a clear statement of facts and circumstances, either real or hypothetical.
2. _____ A definitive question must be asked relating to those facts and circumstances.
3. _____ Written requests which do not contain items 1 and 2 above will be returned to the individual for clarification. _____

B. _____ Written requests for advisory opinions outside the authority of the Ethics Commission will be returned to the individual with appropriate instructions on where to submit such requests.

- ~~C. Requests made in person or by telephone for an opinion will not be honored, nor will any discussion have any standing unless an opinion is provided in writing.~~
- ~~1. Individuals making such request for an opinion, or what may appear to be an opinion, will be instructed to submit a signed request in writing other than providing information on the findings in prior opinions concerning similar facts and circumstances.~~
 - ~~2. Staff members contacted for an opinion request should take all care in not suggesting what a formal opinion might stipulate.~~
 - ~~3. Staff members may assist an individual in the formulation of a letter requesting an opinion, i.e., what facts are needed, what questions should be asked.~~
 - ~~4. Any assistance provided by the staff shall not be considered an official action by the Commission.~~
- ~~D. Following the receipt of a written request for an advisory opinion, the staff will send a letter to the requestor advising of the receipt of the request and anticipated date of issuance of the opinion.~~
- ~~E. Advisory opinions will be issued in the following format:~~
- ~~1. Repeating the facts provided in the request;~~
 - ~~2. Restating the question(s); and~~
 - ~~3. The opinion of the Commission as it applies to the facts and the question(s).~~
- ~~F. Requests for advisory opinions on conflicts of interest will be treated as confidential. Section 25-4-17(i), Mississippi Code Annotated 1972 (as amended)~~
- ~~G. The Ethics Commission will maintain a filing, coding, and cross-indexing system of all advisory opinions issued on conflicts of interest.~~
- ~~Quarterly, in a manner prescribed by the Ethics Commission and appropriate to current statutes, a summary of all opinions on conflict of interest shall be mailed to public entities requesting same and made available at a reasonable cost to the general public and printed out by the Commission.~~
- ~~H. Any request for an opinion not in strict conformity with the foregoing procedures will not be considered by the Commission and may not be relied upon by the person making such request.~~

IV. ~~Conclusion~~

~~Advisory opinions are designed to assist individuals in determination of conflicts of interest. This policy and procedure is designed to enable the Commission and staff to fulfill this end.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Coversheet to ~~Policy and Procedure~~ _____ Date issued: ~~11-09-83~~
_____ No. 1.4 Supplement

Subject: ~~Commission's temporary policy~~
_____ ~~pertaining to conflict of interest~~

~~The Ethics Commission's temporary policy involves the decision of not taking any action on any public officer who is in violation of a conflict of interest as stated under Section 109 of the Mississippi Constitution. This policy will expire July 1, 1984, unless otherwise amended.~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 1.5 _____ Date issued: 8-11-83

Subject: Public Records _____ Date(s) amended: 4-06-84

I. ~~_____~~ Purpose

~~The purpose of this procedure is to establish rules and regulations for the dissemination of public records as required by the "Mississippi Public Records Act of 1983."~~

II. ~~_____~~ General

~~Within the files of the Mississippi Ethics Commission there are two categories of records. (1) public records, and (2) confidential records. Section III of this procedure defines material contained in each category, establishes a procedure for dissemination of public records when requested, and establishes a policy on refusing confidential records when requested under the "Public Records Act."~~

III. ~~_____~~ Procedure

A. ~~_____~~ The following are considered public records except where indicated:

- ~~1. _____ All financial records or documents, except personnel tax forms.~~
- ~~2. _____ General correspondence, except that relating to investigations, personnel employment, or matters in, or pending, litigation.~~
- ~~3. _____ All statements of economic interest and correspondence pertaining to the statements, unless classified as confidential by the Commission in accordance with Section 25-4-17(g) of the Mississippi Code of 1972.~~
- ~~4. _____ All books, pamphlets, or brochures purchased by the Commission with public funds, including all contractual reports and publications, excluding those pertaining to complaint investigations.~~
- ~~5. _____ Minutes of the meetings of the Ethics Commission, including regular but excluding minutes of confidential proceedings.~~
- ~~6. _____ Advisory opinions issued on matters of conflict of interest and advisory opinions issued on content of the statement of economic interest when released for public dissemination by the requestor.~~

- ~~7. Findings of the Ethics Commission relating to complaint investigations when the release of such findings has been requested by the person under investigation and approved by the Commission for public dissemination.~~
- ~~B. Pursuant to Section 25-4-23 and Section 25-4-17(g) of the Mississippi Code of 1972, the following are considered to be confidential records:~~
- ~~1. All records, documents, tapes and other evidence and reports relating in any way to a complaint investigation.~~
 - ~~2. Minutes of complaint hearings.~~
 - ~~3. All requests for advisory opinions and all advisory opinions issued related to the statement of economic interest as well as any hearings and testimony unless released for public dissemination by the requestor.~~
- ~~C. Pursuant to Senate Bill No. 2448 (1983), the following are considered to be confidential records:~~
- ~~1. Personnel records and written applications for employment unless released by the person who made such application.~~
 - ~~2. Letters of recommendation made by the Commission on former employees.~~
 - ~~3. Test questions relating to employment, i.e., typing tests, Mag Card tests.~~
 - ~~4. Matters or documents pertaining to an employee's individual tax liability, i.e., W-4 forms, state withholding tax forms.~~
 - ~~5. Records which represent the work of an attorney representing the Ethics Commission in matters of litigation either in progress or pending.~~
- ~~D. Requests by members of the general public to inspect and/or copy any records specified in Section III, A, shall be made in writing. Access to such records and copy facilities will be made available as soon as practical, but not later than ten working days after the receipt of the written request.~~
- ~~E. Requests to inspect and/or copy confidential records as defined in Section III, B and C, will be refused.~~

~~Such refusal shall be in the form of a letter of denial signed by the executive director and mailed not later than ten working days from the date of receipt of the original request.~~

~~In the event the executive director is unavailable, and in order to comply with the ten day requirement, the letter shall be signed by the assistant director.~~

~~F. Letter denying access to any records of the Ethics Commission will be maintained on file for three years. Should the file of denial letters become voluminous, there shall be established a log book of letters of denial to support ease of record recovery and preparation of reports as may be required from time to time.~~

~~G. There shall be a charge of 25 cents per copy for each statement of economic interest copied for a private citizen. There shall be no charge for the copying of any other requested document, except when such requests require the copying of more than ten documents. In such event, there shall be a charge of 10 cents per sheet for each document copied after the tenth sheet. FLAG~~

~~A charge for postage will be added for those requested documents which must be mailed.~~

~~IV. This policy has established guidelines to comply with the intent of Senate Bill 2448. It is anticipated that this bill and these guidelines will promote openness and high standards in government.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 2.1 _____ Date issued: 9-11-80

Subject: Outgoing Correspondence _____ Date amended: 4-06-84

I. ~~_____~~ Purpose

~~The purpose of this policy and procedure is to establish standards and controls for outgoing correspondence, to include official stationery, drafting authority, and signature authority.~~

II. ~~_____~~ General

~~The Mississippi Ethics Commission must establish and maintain a positive and professional image regarding external communications; therefore, all correspondence leaving the Commission must conform to the instructions and regulations set forth below.~~

III. ~~_____~~ Procedures

A. ~~_____~~ All letters disseminated must be typed on the current letterhead bond stationary.

B. ~~_____~~ Final draft of all letters shall contain no errors when submitted for the final signature before distribution.

C. ~~_____~~ All correspondence referenced below shall be over the signature of the executive director:

1. ~~_____~~ All matters of policy, regardless of addressee.

2. ~~_____~~ When addressees are

a. ~~_____~~ Ethics Commission members;

b. ~~_____~~ U. S. Government officials or agencies;

c. ~~_____~~ State officials or agencies in states other than Mississippi;

d. ~~_____~~ All elected public officials in Mississippi;

e. ~~_____~~ Agency heads or executive directors, by whatever name, in Mississippi;

- ~~f. — Individuals appointed to elective offices in Mississippi;~~
- ~~g. — Members of boards, committees, or commissions of the State of Mississippi;~~
- ~~h. — Representatives of the media;~~
- ~~i. — Heads of civic, social and fraternal organizations (except specific staff members may make written statements of appreciation).~~

~~3. — All financial commitments, either standard forms or original contracts.~~

~~D. — All correspondence which references the following subjects may contain the assistant director's signature:~~

- ~~1. — Urgent matters listed in procedure III, C, when the executive director is absent and when the delay of the correspondence would be detrimental to the Commission.~~
- ~~2. — When addressed to department heads in state agencies in routine matters, in returning previous correspondence, or as cover letter to standard forms signed by the executive director.~~
- ~~3. — Employees in county and municipal governments (within Mississippi) on routine matters.~~
- ~~4. — Vendors (in general correspondence) exclusive of financial commitments.~~
- ~~5. — Applicants for employment.~~

~~E. — Other staff members.~~

~~There will be occasions where Commission staff members other than the director and the assistant director will be given authority to sign correspondence for distribution. Once drafted, and prior to the staff member's signature, the correspondence must be submitted to the office of the executive director for approval.~~

~~F. — The facsimile signature of the executive director, will only be used on volume form letters, and then only after the executive director has approved the form letter format.~~

~~G. — Copies.~~

~~A copy must be made of all single addressee correspondence for the Commission files maintained by the executive secretary. If the letter is in reference to a matter under investigation by this Commission, a copy will be routed to the case file.~~

~~Form letters do not require individual copies, but any form letters must be previously approved by the executive director and a copy placed in the computer form letter file maintained by the executive secretary.~~

~~IV. Conclusion~~

~~These policies and procedures will establish professional lines of communication, eliminate duplicate work, delegate authority, and enhance a positive image of the Ethics Commission through external communication.~~

~~Received and read by: _____ Approved by:~~

~~_____
Name _____ Ronald E. Crowe, Executive Director~~

~~_____
Date _____ Date~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 2.1.1 _____ Date issued: 10-01-80

Subject: Form Letters _____ Date amended: 4-06-84
_____ 9-27-07

I. ~~Purpose~~

~~The purpose of this policy and procedure is to provide instructions for the preparation, approval, and use of form letters.~~

II. ~~General~~

~~Since a great number of the letters sent by the Commission to public officials or organizations state essentially the same thing and differ only by addressee or short phrases, the use of personalized form letters is a practical application for limited personnel resources. However, whether originally produced and signed by the director or a form letter signed by the facsimile, the correspondence must conform to this policy and procedure. To insure the approval of the executive director of form correspondence mailed over his facsimile, the following procedures will be used.~~

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 2.2 _____ Date issued: 7-27-82

Subject: Internal Audit _____ Date(s) amended: 4-09-84

I. ~~Purpose~~

~~The purpose of this instruction is to establish procedures to provide for an internal audit of all financial activities of the Mississippi Ethics Commission.~~

II. ~~General~~

~~The Mississippi Ethics Commission has implicit faith in the integrity of all its staff members; however, general management practices suggest that an internal audit of the financial operations of the Commission is in the best interests of all concerned. This is particularly true because of the nature of the Commission's financial activities, as all staff members assist their counterparts with routine actions, typing documents, and accepting money for copies of statements of economic interest.~~

III. ~~Procedures~~

A. ~~The assistant director will conduct the necessary audits to provide the Commission with an overview of the financial operations in accordance with the schedule below:~~

1. ~~There shall be at least a monthly review at random of 25 percent of the requisitions submitted to the State Auditor. This review shall include:~~
FLAG

a. ~~Verification of purchase order to requisition;~~

b. ~~Extension of all figures, including vendor invoice;~~

c. ~~Verification of expense classification;~~

d. ~~Determination of individual ordering goods or services and individual receiving goods or services; and~~

e. ~~Disposition and/or balance remaining of goods or services.~~

~~2. There shall be at least a monthly review of all financial transactions involved in payments received for copies of statements of economic interest. This review shall include:~~

~~a. Comparison of the monthly receipts provided to the persons requesting copies of statements of economic interest with the cash on hand and deposits made to the state treasury.~~

~~3. There shall be at least a quarterly review at random of 25 percent of the property items reported and on file with the Property Control Division of the State Department of Audit. This review shall include:~~

~~a. Verification of Commission property number;~~

~~b. Verification of location of property; and~~

~~c. Determination of condition of property.~~

~~B. The assistant director shall report in writing to the executive director the results of the audit by the fifteenth of each month.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 3.1 _____ Date issued: 11-25-80
Subject: Internal Audit _____ Date(s) amended: 2-19-81
_____ 10-14-81
_____ 1-22-82
_____ 4-09-84*
_____ *(director's signature)

I. Purpose

In order to carry out the intent and purpose of the Ethics Law, the Ethics Commission has found it necessary to adopt certain administrative policies.

II. General

These policies are intended to augment, or elaborate on, provisions of the Ethics Statute contained in Chapter 4 of the Mississippi Code. If there should be any conflicts between these policies and the statute, the statute will prevail.

The date of the Commission meeting at which administrative policies were adopted will be placed in parentheses at the end of such policy.

III. Procedures

A. All public officials required to file a statement of economic interest must list all boards and commissions on which they serve as a member or ex officio member. This shall apply to 1981 and subsequent filings. (June 6, 1980)

B. Individuals who are delegated by constitutional officers to serve as their representative or designee on boards or commissions must file a statement of economic interest. (June 6, 1980)

C. Candidates for elective office shall be provided disclosure forms through the respective county or city clerks. Because of limited resources, the Commission staff shall expend such resources necessary to insure that only the winner of such election has filed. (June 6, 1980)

D. There are a limited number of boards and commissions whose members are elected rather than appointed. These individuals must file a disclosure statement only if they were elected by an unrestricted popular vote. (July 7, 1980)

- ~~E. Incumbent office holders who have filed a statement of economic interest for the current calendar year and who become a candidate for either the same or a different office need not file an additional statement. (October 3, 1980)~~
- ~~F. The statement of economic interest shall be filed by May 1 annually; any changes in the filer's status after filing shall be reflected in the statement filed the following year. (November 7, 1980)~~
- ~~G. The following definitions were adopted as a guide for determining whether certain state agency heads and members of state boards or commissions must file a statement of economic interest:~~
- ~~1. "State agency" An organization possessing a budget as displayed in the annual budget report submitted by the Commission of Budget and Accounting, and composed of a staff of two or more employees supervised by an executive with authority to administer or expend public funds, or to sign financial documents, i.e., purchase orders, requisitions, payrolls, enter into contractual agreements, etc. (January 22, 1982)~~
 - ~~2. "Executive director or head of state agency" The individual paid the highest salary by the state in that organization designated as an agency, or that individual clearly designated as the administrative head of an agency when a higher salary has been approved for professional reasons (Section 25-3-29, Mississippi Code). (January 22, 1982)~~
 - ~~3. "State board or commission" A committee of two or more individuals created by legislative action, or executive order, that does any of the following:
 - ~~a. Exercises decision authority or jurisdiction over organizations involved in administration or expenditure of public funds.~~
 - ~~b. Exercises decision authority or jurisdiction over facilities or institutions funded in part, or in whole, by public funds.~~
 - ~~c. Exercises decision authority that directly or indirectly affects public funds of other state organizations.~~
 - ~~d. Exercises decision authority that directly or indirectly affects the employment of an individual, or individuals, paid from public funds.~~
 - ~~e. Exercises decision authority or jurisdiction over matters that are statewide in application and involve public funds. (November 7, 1980)~~~~
 - ~~4. "Administer or expend public funds" Taking an action that is in any discretionary involving public funds, including:~~

- a. ~~Influencing the nature of level of an expenditure.~~
- b. ~~Influencing the potential recipient of a contract or purchase vendor, directly or indirectly.~~
- c. ~~The process of hiring or terminating employees, or increasing or decreasing salary levels.~~
- d. ~~Processing claims for payment of public funds, excluding the routine processing of claims for per diem fixed by law and expenses for travel, when subject to review by the auditor of public accounts. (November 7, 1980)~~
- H. ~~The amount of public funds involved in Section III, G, does not affect the definitions for the purpose of determining filing requirements. (November 7, 1980)~~
- I. ~~Whether per diem or other compensation is paid for services rendered and contained in Section III, G, is not relevant to the definition for the purpose of determining filing requirements. (November 7, 1980)~~
- J. ~~Candidates for office in a special municipal election do not have to file a statement of economic interest. The winner of a special election must file in the following year. (December 5, 1980)~~
- K. ~~In order to insure the most judicious use of Commission resources, the following policies will apply to follow-up on delinquent filers:~~
 - 1. ~~Accept and record statements of the following officials, but do not expend any resources on follow-up:~~
 - a. ~~County surveyors~~
 - b. ~~Coroner rangers~~
 - c. ~~Constables~~
 - d. ~~Municipal officials of cities with a population of less than five hundred~~
 - e. ~~Advisory boards and commissions. (December 5, 1980)~~
 - 2. ~~County and municipal officials~~

- a. ~~Require the filing on an annual basis for those county or municipal officials holding office on January 1 and any other official assuming an office on January 1 through May 1 of the current year.~~
- b. ~~All other officials assuming office after May 1 would be required to file the following year.~~
- c. ~~Accept and record the disclosures of any official voluntarily filing. (December 5, 1980)~~

3. ~~Candidates~~

- a. ~~General election—Candidate in primary and general elections shall be required to file a statement of economic interest.~~
- b. ~~Special elections—Candidates in state, district, and county wide positions shall be required to file a statement of economic interest. Candidates in special municipal elections would not be required to file. However, the Commission shall accept and record the disclosure of any candidate voluntarily filing. (December 5, 1980)~~

L. ~~Any official holding office on or after January 1 must file a statement of economic interest for that year. (August 7, 1981)~~

M. ~~The Commission will accept any amended disclosure statement submitted either voluntarily by an official or during the course of a Commission inquiry, should such action be deemed appropriate.~~

~~The Commission will only forward deficient disclosure statements to a prosecutor when, in its judgment, the official willfully and knowingly filed a deficient disclosure. The acceptance of an amended disclosure does not presume on the authority of the prosecutor to handle the matter as he deems appropriate. (August 7, 1981)~~

IV. ~~Approval~~

~~The policies set forth herein have been established by the Mississippi Ethics Commission and any amendments, additions, or deletions thereto must be approved by the majority vote of the Commission members.~~

Received and read by: _____ Approved by:

 Name _____ Ronald E. Crowe, Executive Director

Date

Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 3.2 _____ Date issued: 8-23-82

Subject: Statement of Economic Interest Audit _____ Date(s) amended: 4-09-84

I. ~~Purpose~~

A. ~~The purpose of this policy and procedure is to establish a program of internal audits to be conducted on randomly selected statements of economic interest. The functions are to~~

1. ~~Create an awareness by public officials that the statements are reviewed;~~
2. ~~Assist public officials in the proper completion of the statements; and~~
3. ~~Provide the opportunity or identify the requirement to amend the statements.~~

II. ~~General~~

A. ~~In the formative years of the Ethics Commission, the review of the statements of economic interest by the staff prior to being placed on file was limited.~~

~~The Commission's order of priority was identification of those officials required to file a statement of economic interest and an intense program of education and awareness of the requirement to file.~~

B. ~~The Ethics Commission has recognized the need to perform a more active role in its review of the statements of economic interest to insure that they are properly completed within the requirements of the Ethics Law. Accordingly, in November of 1981 the Ethics Commission moved to adopt an audit program that would be implemented in auditing the 1982 statements of economic interest, as well as statements for all subsequent years.~~

C. ~~According to the procedures set forth below, the Commission staff will conduct annually an audit of randomly selected statements of economic interest and inform the filers of the results of the audit.~~

III. ~~Procedures~~

A. ~~Random selection~~

- ~~1. The statement numbers which are added by a sequence numbering machine to the statements at the time they are received will form one of the bases for random selection.~~
- ~~2. On or about June 30 of each year, the Commission will request of the Central Data Processing Authority 1,000 computer random generated numbers. These numbers will provide the second basis for random selection.~~
- ~~3. Every random number will be matched to the corresponding statement number and that statement will be audited, thus assuring the complete random nature of the statement selection.~~

~~B. Audit~~

- ~~1. The audit will be conducted primarily on the basis of the information provided by the filer; however, the staff member conducting the audit may also use public record information, such as statutory salaries and monies received from public bodies, when evaluating the responses of the filers.~~
- ~~2. The results of the audit will be reduced to electronically coded deficiencies (if applicable). In turn, these coded instructions will be used to produce a personal letter to the filer of the statement selected informing him/her of the results of the audit.~~
- ~~3. The results of the audit will be in three basic categories, as follows:
 - ~~a. Those where there were no apparent deficiencies which would otherwise require the filing of an amended statement;~~
 - ~~b. Those with one or more minor deficiencies which may be corrected by the filer by filing an amended statement; and~~
 - ~~c. A statement that was considered incomplete according to the law and an amended statement is required.~~~~
- ~~4. In all cases, the letters set to the filers will state that the audit was conducted on the basis of information provided, and since the auditor was not privileged to the complete economic means or sources of income of the official, the audit cannot certify the overall completeness or accuracy of the statement.~~

~~C. Audit record storage~~

- ~~1. The electronically stored letters will be retained by the Commission for seven years.~~

~~D. Form letters and discrepancy code instructions~~

~~1. Current audit notifications form letters and a listing of deficiency codes are attached to this instruction.~~

~~E. Confidentiality~~

~~1. The identity of the individuals audited and the results will be confidential.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 3.3 _____ Date issued: 4-07-83

Subject: Advisory Opinions re Statement _____ Date(s) amended: 4-09-84
_____ of Economic Interest

I. _____ Purpose

The Ethics Law reenacted by the 1982 legislature provided for the Ethics Commission to issue advisory opinions concerning the statement of economic interest. The purpose of this policy and procedure is to set forth guidelines for issuing such advisory opinions.

II. _____ General

Any written statement to an individual public official by a member of the Ethics Commission will be considered a formal advisory opinion and shall be subject to the procedures provided for in Section III of this policy and procedure.

All advisory opinions issued must contain the following:

- A. _____ The full name and official position title of the requestor.
- B. _____ A statement identifying the document as an advisory opinion pursuant to Section 25-4-17(j), Mississippi Code of 1972.
- C. _____ A statement of the confidential nature of the advisory opinion and the liability protection afforded.
- D. _____ The verbatim statement of the details and questions originally submitted by the requesting official.
- E. _____ The statement of economic interest content requirement.
- F. _____ A brief statement of rationale for the above requirement.
- G. _____ Date and signature of either the Commission chairman or the executive director.

III. _____ Procedures.

- A. _____ Advisory opinions will only be issued subsequent to a written request made by an official who is required to file a statement of economic interest.

~~B. A request for an advisory opinion must contain the following:~~

- ~~1. Sufficient facts and details, such as amounts, percentage of ownership, time frame, legal status, etc., upon which a reasonable decision can be based.~~
- ~~2. A definitive question regarding the content of the applicable statement of economic interest section of requirement.~~

~~C. The Commission staff shall prepare a complete opinion draft to present to the Commission in closed session as soon as practical after receipt of this request.~~

~~D. The Commission shall approve the opinion letter.~~

~~E. The staff shall enter into electronic storage the text of the final letter as well as a summary paragraph of rationale to serve as a precedent record.~~

~~F. Opinions shall be consistent with the law, intent of the disclosure, disclosure manual, complaint hearings regarding disclosure content, and audit standards.~~

~~G. Requests for opinions, staff processing, and written opinions shall be considered confidential and protected in accordance with existing instructions.~~

~~IV. Conclusion~~

~~Advisory opinions are to assist public officials in completing their statement of economic interest and, as such this policy and procedure will enable the Commission staff and members to fulfill this end.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

~~MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR~~

~~Policy and Procedure No. 3.4~~ _____ ~~Date issued: 4-07-83~~

~~Subject: Questions~~ ~~Statement of~~ _____ ~~Date(s) amended: 4-09-84~~
_____ ~~Economic Interest~~

~~I. Purpose~~

~~Prior to the reenactment of the Mississippi Ethics Commission Law during the 1982 legislative session, questions concerning the statement of economic interest were normally handled informally by telephone by various staff members. The range of such questions was usually limited and, with only isolated instances, easily resolved.~~

~~With the amendments to the reenactment came the authority and requirement for the Ethics Commission to issue advisory opinions pertaining to the content of the statement of economic interest.~~

~~The following policy and procedure sets forth the requirements for responding to questions, both oral and written, on the statement of economic interest.~~

~~II. General~~

~~Questions regarding the statement of economic interest will normally come to the Commission in two forms. One will be the obvious written request for an advisory opinion. This request should enumerate all the details relating to an official's financial or income sources and how that relates to a question in a section on the statement of economic interest form.~~

~~The second will be some form of informal inquiry, either oral or written, from an official regarding a section of the statement or the requirement for an official to file a statement.~~

~~Policy and Procedure No. 3.4 set forth the requirements for issuing advisory opinions. The following procedures set forth the requirements for responding to an informal inquiry.~~

~~III. Procedure~~

~~A. All informal requests for advice on the statement of economic interest may be answered informally by the staff under the following conditions:~~

- ~~1. The circumstances must clearly apply to written form standards, specific statements in the law, the statement of economic interest form and the~~

~~disclosure manual, or to the rules and regulations approved by the Commission.~~

~~The written form standards are contained in attachment 1 to this policy and procedure. The remaining references cited in paragraph 1 above may be referred to as applicable.~~

~~2. The official will be informed that the informal advice provided is not binding on the Commission, since all the facts involved have not been provided in writing.~~

~~3. Should the official request, or require, a binding statement from the Commission, the official should be instructed to request a formal written opinion. The official should be informed to cite, in writing, all the necessary circumstances and facts applicable to the questions raised by the official. (Policy and Procedure No. 3.4)~~

~~IV. Conclusion~~

~~These procedures will allow each staff member to respond to each question by applying the same standards in a consistent manner.~~

Received and read by: _____ Approved by:

Name Ronald E. Crowe, Executive Director

Date Date

ATTACHMENT 1

TO POLICY AND PROCEDURE NO. 3.4

STATEMENT OF ECONOMIC INTEREST FORM STANDARDS

I. Introduction

The statement of economic interest form standards represent an informal statement of policy regarding how a statement of economic interest should be completed administratively and provide clarification of definitions, or provide additional definitions of terms not provided for in the Ethics Commission Law, Section 25-4-3 of the Mississippi Code of 1972. These standards are intended to answer questions relating to "how" information should be entered on the form, not "if" the information must be listed.

II. Standards

A. Form completeness

Each section of the statement of economic interest must be completed fully without regard to possible duplication of information provided in earlier or subsequent sections. While there may or may not be a relationship to other sections in the filer's responses, each section of the statement should stand alone.

Additionally, each element of a section must be completed, even if a missing element can be obtained (assumed) from another section. (Simply stated, if there is an applicable entry for a section, it must be completed, even if it is a duplication of another section.)

Use of such terminology as "see section 05", or "same as above", is acceptable, provided all elements of the section referenced have the necessary information to fully satisfy the section in which it is being used and no conflict of information is possible. For example, if a filer states in section 05 that he is the owner of Jones Construction Company, P. O. Box A, Jackson, Mississippi 39211, he may use "see section 05" as he responds to information required in section 06. However, the reverse process would not be acceptable. The filer could not complete section 06 using Jones Construction Company, P. O. Box A, Jackson, Mississippi 39211, and put in section 05, "see section 06" since section 06 only requires a ten percent ownership and a reader would have to assume the position of owner, which may not be the case.

B. Use of abbreviations should be avoided except where such abbreviations would be universally understood. For example, "ITT" would be an acceptable abbreviation for International Telephone and Telegraph. However, if it is

~~intended to mean “Industrial Technology Toys”, the abbreviation would be unacceptable.~~

~~C. Definitions~~

~~All definitions contained in Section 25-4-3, as well as definitions listed below, apply universally to all sections of the statement of economic interest. For example, the definition of “business” applies the same to that term as it is used in sections 01, 03, 05, 06, and 07 of the statement of economic interest.~~

- ~~1. “Occupation” shall mean a word, or combination of words, which describe the activity of the filer which is a principal source of livelihood. The name or nature of the business, non-profit organization, or public body from which they receive their income may not be used as a sole description of their occupation. Simply stated, occupation is what they do, not for whom they do it.~~
- ~~2. “Principal source of livelihood” shall mean the activity which produces more than 50 percent of an individual’s income.~~
- ~~3. “Organized for economic gain” shall mean the selection, whether formally or informally accomplished, of the structure of an enterprise whose purpose is profit, whether achieved or not. (See “business” defined, Section 25-4-3.)~~
- ~~4. “Position in business” shall mean a formal or informal job title that is used by the specific company, or accepted by the industry at large, or recognizable by the general public. In the case of a self-proprietorship, any reasonably accepted term that reflects ownership, or managership, or activity is acceptable.~~
- ~~5. “Name of business” shall mean the legal name of the business enterprise, if one exists, and if not, the informal business name that would be recognizable in the local community. In the case of an unnamed self-proprietorship, any legally accepted name used for the purpose of the statement is satisfactory.~~
- ~~6. “Business address” shall be either the post office box, street number, or rural route, followed by a town and zip code. In a small town where the name of the town would provide acceptable postal service, only the name of the town need be listed.~~
- ~~7. “Gross income” shall mean revenue before any expenses are deducted. In the case of individuals, except for the owners of businesses, this would be income before personal or business deductions. For individuals owning~~

~~businesses, gross income applies to the revenue of the business before expenses.~~

- ~~8. "General type of business" shall mean a brief description of the nature of the business activity or the enterprise. The name of the business may not be substituted for the nature of the business, regardless of how apparently descriptive it might be. However, the name may be given in addition to other information given.~~
- ~~9. "Public body" shall mean the lowest definable geopolitical body from which funds (income) are paid or from whom the authority to conduct business is granted. Additional descriptive information, such as federal or state agency, or county organization, is encouraged but not required.~~
- ~~10. "Retainer" shall only mean a fee paid to a lawyer or professional advisor for a claim on his services in the case of need. Each retainer should be listed by the type of business of the retaining party.~~
- ~~11. "Retainer by type" shall mean the general type of business of the retaining party.~~

~~III. Conclusion~~

~~There will be unique questions which will be raised on occasion. Any questions or peculiarities which are not addressed in these form standards, or other reference guidelines, should be brought to the attention of the Ethics Commission.~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 4.1 _____ Date issued: ~~12-19-8~~

Subject: ~~Legal Assistance – Attorney General’s Office~~ _____ Date(s) amended: ~~5-05-81~~
_____ ~~4-10-84~~

~~I. Purpose~~

~~The purpose of this policy and procedure is to set forth a policy statement and instructions for making requests for legal assistance and advise from the office of the Attorney General of the State of Mississippi.~~

~~II. General~~

~~The office of the Attorney General shall serve as the legal counsel for the Mississippi Ethics Commission. Therefore, it is necessary to set forth the guidelines on obtaining legal assistance or advice from the office of the Attorney General to carry out the mission of the Mississippi Ethics Commission.~~

~~III. Procedures~~

~~A. Generally, requests for legal assistance or advice will be made to the Assistant Attorney General assigned to assist the Ethics Commission. Should this designee be unavailable and the request is of an urgent nature, it shall be presented to the office of the executive director of the Ethics Commission. The executive director will make the determination on delaying the request or making it to another member of the office of the Attorney General.~~

~~B. Upon receipt of a sworn complaint by the Ethics Commission, a copy of the complaint will be sent to the Commission’s legal designee in the Attorney General’s office.~~

~~The complaint shall be accompanied by a letter requesting the designee to review the complaint and if legal comments are desired the letter shall so state. Additionally, if it is determined that a meeting with the designee is necessary to discuss the elements necessary to approve the alleged violation, it shall be stated in the letter.~~

~~C. Should additional violations of the law be discovered during the investigation, a summary of these violations shall be provided to the designee in the Attorney General’s office. This summary shall be provided with a letter asking the designee to review the allegations and comment, if necessary.~~

~~D. At the conclusion of any investigation a summary of the findings and recommendations involved in the complaint shall be forwarded to the designee of the Attorney General asking for written comments prior to the intended date of presentation to the Ethics Commission.~~

~~E. The office of the executive director shall be the designee requesting official opinions and a letter shall be directed to the Attorney General over the signature of the executive director.~~

~~F. Requests for anything of an advisory nature, i.e., advisory memorandums, may go out over the Commission staff member's signature and shall be subject to the approval of the office of the executive director.~~

~~G. The Ethics Commission shall accept advisory memorandums and should official opinions be required a determination shall be made from the office of the executive director.~~

~~IV. Conclusion~~

~~These guidelines set forth herein are designed with the objective to improve the communication process and minimize or eliminate any misunderstandings or poor communications.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.1 _____ Date issued: 9-15-80
Subject: Use of Credentials _____ Date(s) amended: 4-10-84

I. ~~Purpose~~

~~The purpose of this instruction is to identify both the proper and unauthorized uses of the Mississippi Ethics Commission credentials (includes personal identification card).~~

II. ~~General~~

~~Realizing that any staff members may from time to time be required to produce suitable identification in connection with official business, members of the Ethics Commission staff shall be issued Commission credentials and the Commission reserves the right to restrict their use to the conditions set forth below.~~

III. ~~Procedures~~

A. ~~The approved use and display of Ethics Commission credentials shall be as follows:~~

- ~~1. To identify a staff member in connection with official business.~~
- ~~2. While serving or delivering official documents or when appropriate to the situation.~~
- ~~3. Before questioning witnesses during an official investigation or inquiry.~~

B. ~~Unauthorized uses of identification for personal reasons.~~

- ~~1. Cashing checks, approval of credit documents, showing place of employment for purchases.~~
- ~~2. Making arrests or otherwise acting in a capacity as a police officer.~~
- ~~3. To obtain special privileges from law enforcement or judicial authority.~~
- ~~4. To avoid prosecution or arrest that might otherwise be applicable to a private citizen for the same act or action.~~

IV. ~~Loss of Credentials~~

~~The loss of any credentials shall be reported immediately to the executive director. This report shall be followed up in writing, stating the facts pertinent to the loss. Thereafter, the staff member shall take immediate action to locate the credentials.~~

V. ~~Conclusion~~

~~Each staff member shall exercise proper care and maintenance of the credentials in order to protect their appearance, enhance a professional image, and add to the life of the credentials.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.2 _____ Date issued _____ 11-11-80
 Subject: Leave _____ Date(s) amended: _____ 6-10-81
 _____ 10-29-82
 _____ 4-11-84
 _____ 8-07-84

I. Purpose

The purpose of this instruction is to set forth the regulations and procedures applicable to leave available to employees of the Commission.

H. General

Leave is defined as a period of absence of an employee from their work station during normal working hours, excluding lunch hour. Only those categories of leave listed in paragraph III below will be recognized and chargeable to Commission staff members.

If approved/authorized by the executive director, the Ethics Commission will honor the transfer of personal and major medical leave days only from other state agencies. Other accumulated time off, i.e., compensatory time, is not transferable.

III. Procedures

A. Personal Leave

1. Each employee will be credited with personal leave at the following schedule:

Continuous Service	Accrual Rate (Monthly)	Accrual Rate (Yearly)
1 mo. - 3 yrs.	12 hr. per mo.	18 days per year
37 mo. - 8 yrs.	14 hr. per mo.	21 days per year
97 mo. - 15 yrs.	16 hr. per mo.	24 days per year
over 15 years	18 hr. per mo.	27 days per year

Provided, however, employees who were hired prior to July 1, 1984, who have continuous service of more than eight (8) years shall accrue fifteen (15) hours of personal leave each month.

2. Temporary employees who work less than a full work week and part-time employees shall be allowed credit for personal leave computed on a pro rata basis.

- ~~3. Should the period of continuous state employment begin after the first day of a month but prior to the last day of a month, credit for personal leave will be given on a pro rata basis for actual days worked during that month.~~
- ~~4. For the purposes of computing credit for personal leave, each employee shall be considered to work not more than five (5) days each week. Leaves of absence granted by the executive director for one (1) year or less shall be permitted without forfeiting previously accumulated continuous service. The provisions of this section shall not apply to military leaves of absence. The time for taking personal leave, except when such leave is taken due to an illness, shall be determined by the executive director.~~
- ~~5. For the purpose of this policy, the earned personal leave of each employee shall be credited monthly after the completion of each month of service and the executive director shall not increase the amount of personal leave to an employee's credit. It shall be unlawful for the executive director to grant personal leave in an amount greater than was earned and accumulated by the employee.~~
- ~~6. Employees are encouraged to use earned personal leave. Personal Leave may be used for vacations and personal business as scheduled by the appointing authority and shall be used for illness of the employee requiring absences of one (1) day or less. Personal leave shall be used for the first day of all employee's illness requiring his absence of more than one (1) day. Personal leave may also be used for an illness of the employee's immediate family members. There shall be no limit to the accumulation of personal leave. Upon termination of employment each employee shall be paid for not more than thirty (30) days of accumulated personal leave. Unused personal leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5 of the Mississippi Code of 1972, as amended.~~
- ~~7. An employee shall be allowed to take no more than thirty (30) consecutive personal leave days each calendar year except with specific approval of the executive director.~~
- ~~8. Requests for personal leave must be made on a Leave Request Form at least 24 hours prior to the leave commencing date. All leave requests from employees, with the exception of the executive secretary and the assistant director, shall first be submitted to the assistant director for his approval. The leave request form will then be ratified by the executive director. Any disapproved leave is subject to appeal to the executive~~

~~director; however, such appeal must be made prior to any period of absence.~~

~~9. Periods of leave will be granted in one half hour increments.~~

~~10. An employee may return to work prior to the scheduled leave ending date without having further leave charged. Except for certified illness, the employee must physically appear at the office to terminate a leave process. (See "Illness While on Leave", Section III)~~

~~11. Holidays by proclamation of the Secretary of State, Saturdays and Sundays are not chargeable to personal leave.~~

~~B. Major Medical Leave~~

~~1. All employees shall accrue credits for major medical leave as follows:~~

Continuous Service	Accrual Rate (Monthly)	Accrual Rate (Yearly)
1 mo. - 3 yrs.	8 hr. per mo.	12 days per year
37 mo. - 8 yrs.	7 hr. per mo.	10.5 days per year
97 mo. - 15 yrs.	6 hr. per mo.	9 days per year
over 15 years	5 hr. per mo.	7.5 days per year

~~Part time employees shall accrue major medical leave on a pro rata basis. There shall be no maximum limit to major medical leave accumulation. All unused major medical leave shall be counted as creditable service for the purposes of the retirement system as provided in Sections 25-11-103 and 25-13-5.~~

~~2. Major medical leave may be used for the illness or injury of any employee, only after the employee has used one (1) day of personal leave for each absence due to illness, or leave without pay if the employee has no accrued personal leave. Provided, however, major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance of a medical doctor. For each absence due to illness of thirty two (32) consecutive working hours (combined personal leave and major medical leave) major medical leave shall be authorized only when certified by a medical doctor.~~

~~3. An employee may use up to three (3) days of earned major medical leave in any calendar year because of a death in the immediate family requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose. For the purpose of this policy the immediate family is defined as spouse,~~

~~parent, step parent, sibling, child, step child, grandchild, grandparent, son or daughter in law, mother or father in law, or brother or sister in law.~~

- ~~4. All employees, with the exception of the executive secretary and the assistant director, shall submit a Leave Request Form to the assistant director for approval. The executive secretary and assistant director shall submit a Leave Request Form to the executive director. The executive director shall ratify all Leave Request Forms and shall decide any appeal taken by any employee.~~
- ~~5. Illness that causes an employee to miss work will be assumed to be severe enough to prohibit other normal day to day activities, i. e., shopping, recreation, yard work, etc.~~
- ~~6. Holidays by proclamation of the Secretary of State, Saturdays and Sundays are not chargeable to sick leave.~~
- ~~7. When illness or injury continuing for more than three working days occurs within a period of approved personal leave, the period of illness may be charged to major medical leave, provided that the first eight (8) hours of the illness is charged to personal leave. A request must be filed with the executive director accompanied by a physician's certification.~~
- ~~8. Requests to charge periods of absence to major medical leave must be made to the executive director or assistant director on a Leave Request Form within three working days after returning to work.~~

~~C. Military leave~~

- ~~1. All employees who are members of the Armed Forces Reserve, or National Guard called into temporary full time service are entitled to military leave with pay for a period not to exceed 20 working days. A written request with copy of certified order must be made to receive military leave.~~
- ~~2. Military service in excess of the 20 day federal service and all active duty state service may be charged to either personal leave or administrative leave without pay based on the written request of the employee.~~
- ~~3. The executive director and/or the assistant director should be advised as soon as possible of any military service dates and which category of leave to which the absence should be charged.~~

~~D. Maternity leave~~

- ~~1. Maternity leave will be charged as major medical based on the request of the employee. The same provisions of major medical leave of Section III, B.~~
- ~~2. If the duration of the maternity absence exceeds the balance of major medical leave accumulated, the employee may request excess time be charged to personal leave or administrative leave without pay. (See Administrative Leave Without Pay, Section III, F.)~~
- ~~3. An employee may remain in a maternity leave status through any period certified by a physician.~~

~~E. Administrative leave with pay.~~

- ~~1. An employee may be placed in this category only by the executive director and/or majority action of members of the Ethics Commission. This category will be used during a period of probation pending investigation regarding the employee's actions or conduct.~~
- ~~2. The executive director may grant administrative leave to any employee serving as a witness or juror or party litigant, as verified by the clerk of the court, in addition to any fees paid for such services, and such services or necessary appearance in any court shall not be counted as personal leave. This provision shall not apply to any court appearance by an employee as a witness or party litigant representing the Commission in any official capacity.~~
- ~~3. The Governor or the executive director may grant administrative leave with pay to employees on a local or statewide basis in the event of extreme weather conditions or in the event of a man-made technological or natural disaster or emergency.~~

~~F. Administrative leave without pay~~

- ~~1. An employee may be placed on administrative leave without pay as a result of a disciplinary action by the executive director and/or majority action of the members of the Ethics Commission.~~
- ~~2. Employees may request administrative leave without pay for periods of absence not covered by accumulated balance of personal leave; or in the case of illness, when not covered by either personal or major medical leave balances; or as prescribed for specific conditions of military, maternity, or emergency leave. The use of administrative leave without pay for the purpose of continuing employment for periods of absence in excess of accumulated leave balance is at the discretion of the executive director. Should the employee vacancy affect the overall function of the~~

~~Commission, the director may, with written notice, terminate the employment of the staff member in this capacity. In any case, extended administrative leave may not exceed twelve months.~~

~~G. Leave balances~~

- ~~1. At no time will an employee be paid for accrued leave while still employed in state service, except that major medical leave pay may be made as heretofore provided. No payment will be made for accrued major medical leave except that an employee who presents medical evidence that his physical condition is such that he can no longer work in a capacity of state government may be paid for not more than one hundred twenty (120) days of earned major medical leave.~~
- ~~2. Any further situation relative to leave balances shall be governed by Section 25-4-97 of the Mississippi Code of 1972, as amended, and shall be decided by the executive director.~~

~~H. Abuse of leave~~

- ~~1. An employee absence and/or tardiness without authority may be recorded as personal leave or administrative leave without pay at the discretion of the executive director. Time of absence or tardiness shall be recorded in half hour intervals for the purpose of recording leave (personal or administrative).~~

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.2.1 _____ Date issued: 7-20-83
Subject: Compensatory Time _____ Date(s) amended: 4-12-84 _____

I. ~~Purpose~~

~~The purpose of this instruction is to establish eligibility and use of compensatory time.~~

II. ~~General~~

~~Realizing that any staff member of the Commission might be required to work on Saturdays, Sundays, holidays or in excess of the normal eight hour working day, the following instructions provide for the authority to accumulate and use compensatory time.~~

III. ~~Instructions~~

A. ~~All staff members of the Commission are eligible to accumulate and use compensatory time as set forth below.~~

B. ~~Compensatory time is granted and accumulated only when staff members are required by the proper authority to work on Saturdays, Sundays, holidays and time in excess of the usual eight hour day.~~

C. ~~The proper authority is:~~

~~The executive director, or assistant director in the event of the absence of the executive director, for all staff members.~~

D. ~~Compensatory time may be taken interchangeably with or as annual leave in accordance with current policy on that subject.~~

E. ~~Compensatory time will be recorded and approved on an Ethics Commission Leave/Compensatory Request Form and must contain the signature of the proper authority specified in C above.~~

F. ~~A record of accumulated and used compensatory time will be maintained as part of the leave record system.~~

G. ~~No more than forty hours of compensatory time may be accumulated in any calendar year.~~

H. ~~Staff members will not be paid for compensatory time resulting from loss of time due to the maximum accumulation specified in G above, or at the point of termination of employment.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.2.2 _____ Date issued: 4-10-84
Subject: Staff employees' lunch hour _____ Date(s) amended: _____

I. ~~Purpose~~

~~The purpose of this instruction is to set forth the rules and guidelines applicable to the lunch hour taken by staff members.~~

II. ~~General~~

~~Due to the necessity of the office to always be open during noon, occasional internal meetings being held during that time of day, and preventing employee lunch breaks to be overly disruptive, it is necessary to set the following guidelines.~~

III. ~~Procedures~~

- ~~A. Each staff member is granted a lunch period of one hour each day.~~
- ~~B. Normally, the lunch period should be taken by everyone sometime between 11:00 a. m. and 2 p. m. of each work day.~~
- ~~C. On the days of Commission meetings the disclosure analyst, investigative assistant, and the secretary shall coordinate the answering of incoming calls as well as ordering and picking up the lunches for the Commission while the executive secretary is participating in the meeting.~~
- ~~D. The executive secretary, disclosure analyst, investigative assistant, and secretary shall coordinate their lunch periods so no disruption in receiving incoming calls will occur.~~

IV. ~~Conclusion~~

~~These guidelines, as stated above, are designed with the objective of maintaining incoming communications with as little problem as possible and enhance the professional responsibility of this Commission.~~

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.3 _____ Date issued: 3-26-81
Subject: Performance Appraisal _____ Date(s) amended: 9-28-82
_____ 5-31-84

I. ~~Purpose~~

~~The purpose of this instruction is to set forth the objectives, scope and details for employee performance evaluations.~~

II. ~~General~~

~~The following procedures identify the elements of the performance evaluation program which is intended to be the primary document upon which merit increases will be based in accordance with the state's variable compensation plan. In addition, the performance evaluation program will provide secondary benefits listed below. The masculine gender shall be used to refer to both sexes.~~

- ~~A. Share with the employee the supervisor's opinion of his performance.~~
- ~~B. Have the employee share with the supervisor his opinion of his performance.~~
- ~~C. Seek out causes in areas where performance is less than satisfactory.~~
- ~~D. Make specific plans for improvement in areas where it is needed.~~
- ~~E. Encourage the employee to perform at his very best.~~
- ~~F. Serve as a tool which will help supervisors know employees better.~~
- ~~G. Assist management in assigning work and delegating responsibilities based upon a better understanding of the individual employee's skills and abilities.~~
- ~~H. Improve employee management communications.~~

~~The Performance Evaluation Form (EC 21) has been provided by the State of South Carolina and modified for use by the Ethics Commission as authorized by the State Personnel Board.~~

III. ~~Procedures~~

- ~~A. Employees to be appraised.~~

~~An employee performance appraisal shall be prepared for all employees except those whose appointments are for temporary, limited duration (less than a year), for part-time duties of an intermittent or "on call" nature.~~

~~B. Kinds of appraisals and when made.~~

~~1. Probational.~~

~~Since initial appointments are made for a probational period of one year and continuation in service on a permanent basis beyond that period depends upon satisfactory work performance, one is required to prepare a complete performance appraisal for each new employee at the end of the sixth and twelfth months of service.~~

~~a) "Marginal" probational service appraisal.~~

~~If the probational summary appraisal of a new employee is "marginal", the employee may be granted an extension of 30 days. This extension should be recommended and will be approved only if there is reason to expect that the employee can and will improve in those areas in which he is deficient and attain the overall level of "satisfactory". Following a summary appraisal at the end of the twelfth month of "satisfactory" or above, the employee will be granted permanent status.~~

~~b) "Unsatisfactory" probational service appraisal.~~

~~A new employee who receives a summary appraisal of "unsatisfactory" for his probational service will be terminated.~~

~~2. Regular performance appraisal.~~

~~A regular performance appraisal is to be completed for each employee on June 1 of each year when funds are appropriated for merit increases. The appraisal form should be completed, reviewed by the rating supervisor, discussed with the employee, and submitted before June 15.~~

~~During any fiscal year in which the legislature does not authorize funds for a merit salary increase applicable to the Commission staff, the requirement for a regular performance appraisal is automatically suspended.~~

~~a) "Marginal" regular service appraisal.~~

~~When a permanent employee receives a regular summary appraisal of "marginal", a special service appraisal must be prepared after a~~

period of six months and for the following six months period if he is still rated as “marginal”. After two successive special appraisals of “marginal”, the employee shall be terminated from the agency.

b) ~~“Unsatisfactory” regular service appraisal.~~

~~A permanent employee who receives a regular summary appraisal of “unsatisfactory” will be evaluated within a 30 day period. Should the reevaluation be “unsatisfactory” or “marginal”, the employee must be terminated from the agency.~~

3. ~~Special performance appraisals.~~

~~The use of this form for special performance rating is encouraged. Special ratings may be issued at any time, either to commend exemplary performance or to identify serious mistakes or problem areas in the employee’s performance. Only those characteristics requiring special comment need be rated. Special ratings should be discussed with the employee and placed in his personnel file; however, special ratings do not have an immediate and direct effect on salary adjustments.~~

C. ~~The rating supervisor.~~

~~The person who has immediate first line supervisory responsibility for the work of the employee, who either daily oversees, reviews and checks the work of the employee, or who is most closely acquainted with his daily performance during the appraisal period, shall be the rating supervisor. It is emphasized to the rating supervisor that the appraisal of the employees for whom he is responsible should be a continuing day-to-day process. He should take frequent occasion to talk with the employees about their progress, their ambitions, and performance. He should counsel them on a timely basis whenever their performance is either deficient or commendable. Written “summaries” should be made of such counseling incidents and held for reference in preparing the probational or regular service appraisal. If the rating supervisor, after timely counseling and/or issuances of special ratings, reaches the conclusion that the overall performance of an employee is not meeting performance standards, and the summary appraisal at the time of the probational or regular service appraisal unquestionably will be below “satisfactory” unless noticeable improvement takes place, he should notify the employee, both in person and place a written summary of the counseling session in the employee’s personnel file.~~

~~In the actual appraisal process and the completion of the performance appraisal/career development inventory, the rating supervisor should approach the task seriously and objectively with the following in mind:~~

1. ~~That the appraisal not be influenced by personal considerations such as personal loyalty, friendship or prejudice.~~
2. ~~That the appraisal reflects the actual sustained performance of the employee over the whole rating period and is not based upon isolated instances of success or failure.~~
3. ~~That he does not seek the advise of others and permit himself to be unduly influenced by others whose appraisal may be opinionated or biased.~~
4. ~~That the employee's overall performance is compared with and related to that of other workers with comparable duties and responsibilities.~~

~~Upon completing the inventory form, including the summary appraisal, and assigning the overall rating, the rating supervisor should sign the form and schedule an interview with the employee.~~

~~As the final step, the rating supervisor should complete items 5 and 6 of section II of the inventory form summarizing the employee's attitude toward his own work progress and toward the appraisal itself. After securing the signature or initials of the employee as an acknowledgment that the appraisal has been discussed with him, the completed form is then sent to the executive director.~~

~~It is expected that very few employees will achieve a level of performance which commands an overall rating of "outstanding". The conferring of such a rating should be a rare honor based upon exceptionally meritorious service. For this reason, if a rating supervisor recommends an overall rating of "outstanding" for any employee he must be prepare and attach to the appraisal form a written statement explaining specifically his reasons for his recommendation.~~

~~D. The interview.~~

~~The interview with the employee is perhaps the most important step in the appraisal process. The rating supervisor should prepare himself carefully in advance of the interview and it may be helpful for him to have made notes about the factors relating to the employee's work performance or personal characteristics which he feels should be discussed in somewhat more detail than is possible in the appraisal form. By no means, however, should the rating supervisor monopolize the conversation; rather, he should encourage the employee to do most of the talking. In most instances it has been found that the overall effectiveness of appraisal interviews with employees can be increased through adherence to the following principles:~~

1. ~~Choose a time for the interview that is most convenient for both the employee and the rating supervisor and arrange for the interview to be held in complete privacy.~~

2. ~~Make the employee aware of the reasons for the discussion and of the purposes of the employee appraisal.~~
3. ~~Use the job-centered rather than the man-centered approach by directing comments to the requirements of the position itself and the employee's performance in relation to those requirements. Do not let the discussion develop into a dialogue on personalities.~~
4. ~~Maintain a calm and unemotional attitude. Be considerate of the employee and permit him to preserve his dignity.~~
5. ~~Open your discussion with comments about the employee's strengths and plus factors and compliment him on any noteworthy accomplishments.~~
6. ~~In discussing the employee's weaknesses or deficiencies, emphasize the point that it is your concern and the concern of the department to give him whatever assistance may be needed to improve and become more proficient. Make specific suggestions for improvement. Offer constructive criticism. Give the employee ample opportunity to express his own feelings concerning his deficiencies and lead him into volunteering his own thoughts as to how he can improve.~~
7. ~~Do not divulge the ratings of other employees or discuss their performance. Should the employee during the discussion tend to compare himself with others and discuss his performance in relation to that of others, remind him tactfully but firmly that the purpose of the meeting at hand is to discuss the appraisal of his performance alone.~~
8. ~~Do not make unauthorized promises of salary increases, promotions, or other reward.~~
9. ~~Conclude the interview in a friendly manner by:
 - a. ~~Summarizing the employee's strong points.~~
 - b. ~~Reassuring yourself that the employee understands all of the rating factors and your appraisal of him in relation to those factors and that his questions have been answered to the best of your ability.~~
 - c. ~~Developing a plan with the employee for his improvement, if necessary.~~
 - d. ~~Reassuring the employee that full consideration will be given to his reasoning and suggestions and that you have a genuine interest in his career development.~~~~

10. Schedule a follow up discussion at some later date if either you or the employee feels that it would be beneficial.

E. The "Performance Appraisal Form".

The "Performance Appraisal Form" is designed as a standard form to be used for all employees in the performance appraisal. The form is organized into two sections. Section I identifies ten job performance and personal characteristics on which an employee is to be rated. There are an additional five performance factors on which only management and supervisory employees are to be rated. Each job performance and personal factor, or characteristic, has five degrees or levels of achievement by which it is to be measured. For the convenience of the rating supervisor, each level is defined with examples of performance which are considered to be characteristic of that level. In the appraisal process, if you agree that the job performance or level of achievement of the employee corresponds in general to the example or examples cited, check the rating for that factor accordingly in the appropriate space. You may prefer, however, to use your own words in describing the performance and level of achievement of the employee. If space permits, insert your wording on the form in the appropriate space; otherwise, attach a separate page to the form with proper cross reference.

The five rating levels to be used are defined as follows:

<u>Level</u>	<u>Appraisal Symbol</u>	<u>Definition</u>
Outstanding	O	Distinguished performance; work is characterized by unusual accomplishments. Completely reliable.
Superior	SU	Better than normally acceptable performance; work frequently exceeds normal job requirements.
Satisfactory	SA	Work is satisfactory and acceptable, may occasionally exceed normal job requirements.
Marginal	M	Work is satisfactory in some respects but does not fully meet normal job requirements. Immediate improvement anticipated.
Unsatisfactory	U	Poor performance; work below job requirements. Improvement not

anticipated.

~~Section II is to be used to record a narrative summary of your appraisal of the employee and to make specific recommendations for his career development as well as for salary increase, promotion, or other change. This provides you with the opportunity for discussing in more detail the employee's strengths and his weaknesses and for making specific recommendations aimed at helping the employee overcome his weaknesses and increase his efficiency.~~

~~A space is provided in this section for the employee to have his own comments about the supervisor's appraisal recorded in writing if he wishes. It is suggested that if the employee desires to insert his own comments on the appraisal form as a matter of record, request that they be typewritten on each copy of the form. He will then be asked to sign or initial the form in the space provided to certify that the supervisor's appraisal has been discussed with him.~~

~~If the employee does not wish to have any comments recorded on the form, he should be asked to sign or initial in the appropriate space at the close of the interview to certify that the appraisal was discussed with him.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.4 _____ Date issued: 4-15-81
Subject: Job Description _____ Date(s) amended: 4-30-84

I. Purpose

The purpose of this instruction is to establish job descriptions for all staff positions within the Ethics Commission, and to require the review and maintenance for current application.

II. General

Job descriptions contained in the administrative file are intended to be current portrayal of individual task functions. The document, although not intended to be all inclusive, should provide the reader with a reasonable description of the usual tasks associated with the position. The job description should be considered when evaluating an employee's performance, or during personnel recruiting. To be functional, these descriptions should be reviewed periodically to insure their current application.

III. Procedures

Prior to completing a job performance evaluation required by Policy and Procedure No. 8.3, each supervisor should review the applicable job description to determine that the actual work being performed is consistent with the job description. During the performance evaluation interview, the staff member should be asked to comment on the applicability of the job description to their daily functions.

Supervisors are responsible for recommending any modifications necessary to insure the job descriptions are accurate and current.

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.5 _____ Date issued: 9-30-81

Subject: Reimbursement for Travel and _____ Date(s) amended: 5-20-82
Travel Related Expenses _____ 7-20-83
_____ 4-23-84

I. Purpose

~~The purpose of this instruction is to set forth the policies regarding the limits and administration of personal reimbursement for travel and for travel related expenses in-state and out-of-state.~~

II. General

~~All necessary, reasonable, and customary expenses incurred by Commission members and staff while acting in an official capacity, will be reimbursed by the Ethics Commission. The following guidelines are provided to assist in the definition of "reasonable" and "customary".~~

A. Meals

- ~~1. In-state meals will not exceed \$18.00 per day. Each meal will not exceed the following amount: (a) breakfast \$5.00; (b) lunch \$5.00; (c) dinner \$9.00.~~
- ~~2. Out-of-state meals will not exceed \$24.00 per day. Each meal will not exceed the following amount: (a) breakfast \$5.00; (b) lunch \$7.00; (c) dinner \$12.00.~~
- ~~3. High cost areas as established by the Budget Commission include New York, N.Y., Chicago, Ill., Los Angeles and San Francisco, California. High cost area meals will not exceed \$30.00 per day. Each meal will not exceed the following amount: (a) breakfast \$6.00; (b) lunch \$8.00; (c) dinner \$16.00.~~
- ~~4. Reimbursement for meals will not be claimed unless travel is involved and unless all meal receipts accompany the travel voucher.~~

B. Lodging

- ~~1. Use of double occupancy rooms by staff members, where practical is encouraged.~~
- ~~2. Rates for the rooms shall be those for regional chain motels use of these chain motels to establish the reasonable rate is encouraged.~~
- ~~3. Premium rates for special rooms, such as pool side rooms, etc., will be avoided.~~
- ~~4. Commercial and/or special state agency rates shall be requested.~~
- ~~5. Reasonable and customary reimbursement for lodging will be made to staff members, when the motel and/or lodging receipt accompanies the travel voucher.~~

~~C. Mileage~~

- ~~1. Travel in personal vehicles will be reimbursed at the rate of twenty cents (.20) per mile.~~
- ~~2. When two or more staff members travel in the same vehicle, mileage will only be paid to one member.~~
- ~~3. Use of commercial travel (other than private vehicle) for in state travel must be approved by the executive director.~~

~~D. Out of state travel~~

- ~~1. All out of state travel must be approved by the executive director.~~
- ~~2. Mode of travel out of state must be specifically included in the out of state travel request, including:
 - ~~a. commercial mode;~~
 - ~~b. private vehicle;~~
 - ~~c. rental automobile.~~~~

~~E. Miscellaneous expenses~~

~~All necessary miscellaneous expenses related to official business will be reimbursed. Receipts shall accompany the expense voucher for all expenses being claimed with the exception of parking meter or similar expense.~~

~~F. Non reimbursable expenses~~

1. ~~Entertainment;~~
2. ~~Alcoholic beverages;~~
3. ~~Personal items;~~
4. ~~Travel to and from home and the Ethics Commission offices.~~

~~III. Receipt Procedures~~

~~A. Receipts~~

~~Receipts are required for the following:~~

1. ~~All meals, in state and out of state;~~
2. ~~All lodging, in state and out of state;~~
3. ~~All miscellaneous expenses excluding parking meter expense.~~

~~B. Exceptions~~

~~Any exceptions to the rates and receipts requirements identified in this policy must be obtained from the executive director in writing before vouchers containing the exception items are submitted for and/or approved for reimbursement.~~

~~Received and read by: _____ Approved by:~~

~~_____
Name _____ Ronald E. Crowe, Executive Director~~

~~_____
Date _____ Date~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. ~~5.5.1~~ _____ Date issued: ~~06/06/97~~

Subject: ~~Food for Commission Meetings or Hearings~~ _____ Date(s) amended:

I. ~~Purpose~~

~~The purpose of this policy and procedure is to establish criteria by which expenditures for food or meals under Object Code 62475 will be made by the Ethics Commission.~~

II. ~~General~~

~~The Ethics Commission must maintain a professional and positive image regarding the carrying out of its functions, therefore, the providing of all food or meals under Object Code 62475 must conform to the instructions and regulations set forth below.~~

III. ~~Procedures~~

~~A. Food or meals under Object Code 62475 will be provided for Ethics Commission members and employees during official meetings or hearings and for other persons required by the Ethics Commission to attend the official meetings or hearings.~~

~~B. The following criteria must be met in order to have an Ethics Commission member's or other appropriate person's food or meal expenses paid for by the Ethics Commission under Object Code 62475.~~

- ~~1. The meeting or hearing must concern Ethics Commission business and be of a necessary nature.~~
- ~~2. The meeting or hearing must encompass a normal meal time hour and it must be more efficient to provide the food or a meal on site.~~
- ~~3. The meeting or hearing must last a reasonable time before and after a normal meal time hour for a meal to be served as part of the meeting.~~

~~C. The Ethics Commission must furnish the Department of Finance and Administration the names and social security numbers of the Ethics Commission members and other appropriate persons, as well as, all other required information for expenditures under Object Code 62475 at the time payment is requested.~~

~~D. The Ethics Commission must ensure that there are no reimbursements on any travel vouchers for meals or food that were provided during Ethics Commission meetings or hearings and submitted to the Department of Finance and Administration under Object Code 62475.~~

~~E. The Ethics Commission will not make expenditures under Object Code 62475 or reimburse any expenditures for alcoholic beverages.~~

~~F. All meals or food for Ethics Commission members and appropriate persons provided during Ethics Commission meetings or hearings will reported under Object Code 62475 or the appropriate Object Code Number pertaining to "Food for Persons" designated by the Department of Finance and Administration.~~

~~IV. Conclusion~~

~~This policy and procedure establishes the conduct of the Ethics Commission in regards to the implementation of state regulations regarding expenditures for meals or food provided during Ethics Commission meetings or hearings that are reported under Object Code 62475 or the appropriate Object Code Number pertaining to "Food for Persons" designated by the Department of Finance and Administration.~~

~~Received and read by: _____ Approved by:~~

~~_____
Name Ronald E. Crowe, Executive Director~~

~~_____
Date Date~~

~~_____~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.6 _____ Date issued: 2-8-82

Subject: Procedures for Completing _____ Date(s) amended: 4-24-84
_____ Travel Voucher Form No. 223 _____

I. _____ Purpose

~~The purpose of this instruction is to standardize the preparation, verification, and approval of travel vouchers.~~

II. _____ General

~~The "Voucher for Reimbursement of Expenses Incident to Official Travel" represents the document by which state funds are committed to be paid to an individual to reimburse real and necessary expenses incurred originally by the individual in connection with official business. The requestor is obligated to insure that this form has been completed correctly in accordance with the details of this instruction prior to verification and approval.~~

III. _____ Procedures

A. _____ Top section

1. _____ "Department or Institution" _____ Mississippi Ethics Commission
2. _____ "To" _____ First name, middle initial, last name and social security number of individual requesting reimbursement.
3. _____ "Address" _____ Room 103, 146 E. Amite, Jackson, Miss.
4. _____ "Official Duty" _____ Correct job title or "Commission Member", as applicable.

B. _____ Center section _____ left side

1. _____ Dates "from" and "to" _____ "From" will be the first date identified on page 2 for reimbursement for either subsistence or mileage; "to" will be the last date identified on page 2 for either subsistence or mileage.
2. _____ "Amount Claimed" _____ Each category of amounts must be brought forward exactly as recorded on the bottom of page 2.

3. ~~“Total”~~ Amounts requested by category of expense will be totaled and entered.
4. ~~“Approved for payment”~~
 - a. ~~First line will have approval signature of executive director~~
 - b. ~~“Title”~~ Executive Director or Assistant Director in the absence of the Executive Director

C. ~~Page 2~~ Reverse side

1. ~~“Statement of traveling expenses incurred by”~~ First name, middle initial, and last name of requestor plus “from” and “to” dates listed on page 1 (see B-1 above).
2. ~~“Statement of costs of meals and lodging”~~
 - a. ~~“Date”~~ month, day, last two digits of year, i.e., 6-6-82 (June 6, 1982)
 - b. ~~Costs of meals, hotel room and total~~ Self-explanatory
 - c. ~~“Place where expense incurred”~~ Usually location of lodging, if applicable; otherwise, the location of the most expensive meal. If not outside of Jackson, Mississippi, a brief explanation should be entered to explain need to reimburse meal.
3. ~~“Statement of travel by motor vehicle or public carrier”~~
 - a. ~~“Date”~~ month, day, last two digits of year
 - b. ~~“Points of travel”~~ ~~“From”~~ ~~“To”~~ Origin and destination of travel should be by city, and if outside the State of Mississippi, the state should be included. Return trips should be shown as well.

The cities listed should coincide with the mileage. When traveling on a relatively straight line with multiple stops, only the furthest destination point needs to be listed. For instance, travel from Jackson, to Hattiesburg, to Gulfport on the same day may be listed as “Jackson to Gulfport”. However, when traveling from Jackson, to Gulfport via Meridian on the same day, it should be entered as “Jackson to Meridian, Meridian to Gulfport”.

~~c. "Mileage" Mileage for vehicle travel should be the difference between start and destination odometer reading.~~

~~d. "Mileage amount" This is \$.20 times the mileage listed for vehicle travel. It should be left blank when travel performed by rail or bus.~~

~~e. "Rail or bus fare" Actual amount of ticket.~~

~~4. "Other authorized expenses" As applicable. However, adequate detail should be provided for approval or verification.~~

~~5. "Totals" All applicable columns should be totaled on the bottom of the page and carried forward to the front page as required.~~

~~D. When items A, B and C above are complete and correct, the requestor will sign his/her usual signature.~~

~~E. Verification Designated administrative staff will verify all extensions, mileage, and required receipts before completing the section titled "Amount Due" on page 1. Following completion of this section, the individual verifier shall sign.~~

~~F. After verification, the voucher is ready for signature by the executive director below the words "Approved for Payment".~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.7 _____ Date issued: May 1, 1984

Subject: Personal log _____ Date(s) amended:

I. Purpose

~~In order to locate employees of this Commission, when they are away from the agency during regular office hours, this Commission has found it necessary to adopt certain administrative policies governing captioned subject.~~

II. General

~~These policies are intended to establish tentative contact with staff members at all times, when they are not physically present within the agency's offices. These policies are for the purpose of establishing contact, whether normal or emergency, of the employee (s) not within immediate office area.~~

III. Procedures

A. ~~All employees leaving this office area for any purpose, including lunch, with the exception of use of the restrooms located in the hallway, will fill in all appropriate columns of the attached personnel log, including the following columns:~~

1. ~~Employee's name~~
2. ~~Employee's destination~~
3. ~~How to contact~~
4. ~~Time out~~
5. ~~Estimated time of return~~

B. ~~All employees, upon return to this office will enter the actual time of return.~~

C. ~~All employees conducting business away from this office, for more than a 24 hour period, will:~~

1. ~~Upon departure fill in all columns identified in A, 1 through 5.~~

~~2. Upon return to the office shall fill in the column marked actual time of return.~~

~~3. Contact the executive secretary each morning no later than 9:00 a.m., for messages and to provide her with information where you can be reached each day; in case other leads develop, or in case additional complaints are received in the area you are working, or in case an emergency situation arises.~~

~~D. The personnel log shall be maintained by the executive secretary and will be placed in a ledger and/or manila file folder. This log shall remain in the executive secretary's office at all times; and in her absence, will be available to all other staff employees.~~

~~E. The personnel log will not be placed in public view and the information pertaining to the employee's whereabouts will be on a need to know basis, for anyone other than staff members.~~

~~FI. Employees will only fill out this information on themselves; i. e., not on another person.~~

IV. Conclusion

~~These guidelines set forth above are designed with the objective of maintaining contact with all staff members at all times while away from the Commission office area.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.8 _____ Date issued: August 6, 1984

Subject: Monthly Staff Meetings _____ Date(s) amended: _____

I. ~~Purpose~~

~~The purpose of this policy and procedure is to establish monthly staff meetings.~~

H. ~~General~~

~~These policies are being established in order to keep all staff employees informed of the work within each area of this agency, and assimilation of any information regarding this agency coming from outside sources.~~

III. ~~Instructions~~

A. ~~A staff meeting will be held in the conference room on Monday at 10:00 a.m. prior to the monthly Commission meeting on the first Friday of the month. In case the Monday meeting falls on a holiday, or if unforeseen circumstances arise, the meeting will be held on Tuesday.~~

B. ~~The executive director will be the chairperson and in his absence the assistant director will be the chairperson.~~

C. ~~All areas pertaining to this Commission will be discussed, including, but not limited to, pertinent information provided by the executive director, the assistant director, the executive secretary, by investigative personnel, and by the financial disclosure section.~~

D. ~~All staff members are encouraged to actively participate in the discussions of these meetings, including offering new ideas for areas of improvement, asking questions, providing information you have heard from outside sources and/or from the new media, etc.~~

E. ~~The executive secretary, or in her absence, the investigative assistant, will take notes of the main topics discussed and will thereafter prepare a memorandum containing this information, and route to the director for approval. Upon approval, a copy of the memorandum will be routed to all staff members. This will be done so all staff members can keep up with the areas discussed at previous meetings and areas of progress.~~

IV. Conclusion

~~These guidelines set forth above are designed to keep all employees informed of the workings of this Commission and to encourage all staff members to be active participants in the operation of this agency.~~

Received and read by: _____ Approved by:

Name Ronald E. Crowe, Executive Director

Date Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 5.9 _____ Date Issued: 2/22/94

Subject: Personnel Management _____ Date(s) Amended: _____
_____ Policy Statement

~~The elimination of unnecessary loss is a total organizational responsibility we all share. The conservation of our organization's resources through the avoidance of liability claims is a matter of greatest concern that demands maximum effort by every member of the management staff.~~

~~I feel a special responsibility to protect the valuable resources we have—the lives of our employees and the public. Our success in carrying out our risk management program can be the difference between happiness or sorrow, health or disaster.~~

~~It is in the knowledge that I share this great responsibility with every management member that I look with confidence to the future success of our organization's risk management program. I have reviewed our program thoroughly and believe it to be the effective tool we need to achieve nothing less than the best risk control results.~~

~~I trust that each of you will join me in pledging your leadership ability to gain personal commitments to total risk management as a way of life from those over whom you have supervisory direction and influence. To attain the maximum results from our program, each of us must be dedicated to the idea that every accident and unnecessary loss can be prevented and that the facts making up our program are sound and necessary for the valuable ingredient each of us must add to ensure the successful achievement of each program step along the way.~~

~~We must deeply believe the logic that it is worth our time and effort to prevent even one minor injury that could have been serious or one minor damage incident that could have been a major loss.~~

~~Organization Manager—Assistant Director~~

~~The following items are set forth, not to represent an exclusive list, but to give examples of things we can control in order to protect our property and persons:~~

- ~~1. _____ Keep back door locked;~~
- ~~2. _____ No highly stacked boxes which may tend to fall;~~
- ~~3. _____ No frayed electric cords;~~
- ~~4. _____ No electric cords across pathways or loose on floor near desk;~~
- ~~5. _____ Front office door (#103) locked when Executive Director, Assistant Director or Executive Secretary are not present;~~
- ~~6. _____ Back office door (#104) locked when Disclosure Analyst and Bookkeeper not present.~~

- 7. Turn off heaters and unplug at night;
- 8. Turn off all electrical equipment at night;
- 9. Keep pathways clear.

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 6.0 _____ Date issued: 9-8-80

Subject: Media Relations _____ Date(s) amended: 11-14-81 _____
12-01-82 _____
5-11-84 _____

I. Purpose

~~This policy will establish the Mississippi Ethics Commission's policy regarding the relationship of members of the Ethics Commission and its staff with representatives of the media.~~

II. General

~~The Ethics Commission's objective is to have an open line of communication with all media representatives to foster and maximize positive media relationships. Media can be a strong supportive source of help in terms of anti-corruption efforts.~~

~~The Ethics Commission must, by the nature of its duties, represent the most open form of state government possible while maintaining absolute confidentiality of complaint and investigative proceedings. The involvement of the Commission with any member of state government, or a political subdivision of state government, must be considered a newsworthy act. To insure that the Commission's public position is correctly stated, the following provisions shall be complied with by members of the Commission and its staff.~~

III. Procedures

- ~~1. The executive director and/or the chairman may respond to news media questions and inquiries relative to any Commission actions or proceedings of a non-confidential nature.~~
- ~~2. The Commission, in its discretion, may release information to the public relating to findings, proceedings, or investigations if the person under investigation makes such a request in writing.~~
- ~~3. All inquires from representatives of the media shall be referred to the office of the executive director unless the representative is requesting a statement of economic interest filed with the Ethics Commission by a public official. Requests for statements of economic interest shall be referred to the Disclosure Section of the Ethics Commission.~~

4. ~~Should the executive director be unavailable, the media inquiries shall be referred to the assistant director. The assistant director may assist the media within the spirit and intent of this instruction.~~

~~Should the assistant director be unable to assist the media, or determine that an additional statement should be made by the executive director or chairman, the name and phone number of the media representative will be taken. The media representative will be told that the inquiry will be referred to the executive director or the chairman.~~

5. ~~Any media contact, or any questions received by any member of the Ethics Commission staff, shall be committed immediately to a memorandum and forwarded to the executive director.~~

6. ~~To assist in dealing with the press and public with regard to the confidentiality provisions of the Ethics Law, the following statement was approved by the Commission:~~

~~“The Ethics Commission is aware of (a/the) published report (or the allegations) against (public official’s name). The Ethics Commission is reviewing (or studying) this matter and cannot release the specifics of any finding, investigation or proceeding.~~

~~“At the proper time, with the proper facts, we will take whatever action is necessary, if any, which will insure the interests of the public and the public official are protected.” (January 9, 1981, Commission meeting)~~

IV. ~~Conclusion~~

~~Evasiveness or failure to cooperate (or what may be construed as a failure to cooperate, even though it is really a breakdown in communication) on the part of the Ethics Commission may impair a situation, sometimes irrevocably.~~

~~It must be remembered that media representatives have a right to ask about activities of the Ethics Commission and it shall be at the discretion of the executive director and/or chairman of the Ethics Commission as to how much or what kind of information may be disclosed.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION

OFFICE OF THE EXECUTIVE DIRECTOR

~~Policy and Procedure No. 7.1~~ ~~Date issued: 8-25-80~~

~~Subject: Sworn Complaints~~ ~~Date(s) amended: 11-17-82~~
~~5-11-84~~

~~I. Purpose~~

~~The purpose of this instruction is to outline the procedures to be utilized in the filing of sworn complaints by the Mississippi Ethics Commission.~~

~~II. General Information~~

~~The following instructions outline the flow of the sworn complaints in the Ethics Commission office and instructions for the filing of these complaints. Although specific instructions concerning security procedures are contained in Policy and Procedure No. 9.1 the absolute confidentiality of the complaints and all related records must be maintained at all times.~~

~~III. Procedures~~

~~A. Immediately upon receipt of a sworn complaint by the Mississippi Ethics Commission, the complaint will be stamped in by the executive secretary to indicate date and time received and then the complaint will be forwarded to the assistant director, who will review same. The assistant director and the chief investigator will determine if a violation of law exists.~~

~~B. If a complaint is incomplete, such as a missing signature, notary public seal, or other necessary information, a letter is sent to the person complaining to inform him of such.~~

~~C. If a sworn complaint is determined to be complete, the complaint must be logged in the complaint log book maintained by the investigative assistant and a file number assigned.~~

~~The procedures outlined below will apply to all sworn complaints that are processed by the Investigative Section.~~

~~1. Assigning a complaint number.~~

~~The numbering system for the complaints consists of the last two digits of the calendar year in which the complaint is filed and the sequential number of the complaint. For example, all numbers assigned to~~

~~complaints received in calendar year 1980 will begin with "80". The second series of numbers will simply be sequential, such as 80 001 for the first complaint received in calendar year 1980 and 80 100 for the hundredth complaint, etc. All numbers assigned must contain five digits, the first two representing the calendar year and the last three showing the sequence of complaints.~~

~~2. Logging pertinent information about the complaint.~~

~~In addition to the complaint number, other pertinent information must be entered in the log book.~~

~~a. The date on which the complaint is received in the office must be logged.~~

~~b. Complainant and Respondent.~~

~~The name of the person making the complaint (the complainant) and the name of the individual against whom the complaint is made (respondent) must be entered in the log book. Both names must appear with the last name listed first, followed by the first name and middle initial.~~

~~c. An index card containing the basic complaint information must be prepared. Preparation of this card is the responsibility of the investigative assistant. The card is self explanatory and contains the complaint's name, the respondent's name, the complaint number, and the title of the respondent.~~

~~d. Establishment of the complaint file.~~

~~After a complaint number has been assigned, the pertinent information has been entered in the log book, and an index card has been prepared, a complaint file is created in the following manner:~~

~~(1) Standard size, 9 1/2" x 11 3/4", brown two divider folder will be used for each complaint.~~

~~(2) Type the complaint number on the file label and affix it to the brown file folder.~~

~~(3) Type respondent's name and title or position and affix to front of folder.~~

~~e. Preparation and filing of required form letters and copies of complaints.~~

~~Prior to the actual filing of the complaint in the file folder, necessary copies of the complaint must be made and letters forwarded to appropriate parties. Section 25-4-21 of the Mississippi Code of 1972, Annotated provides that:~~

~~Upon receipt of a sworn complaint, or upon complaint initiated by the commission itself, the commission shall send a copy of complaint to the person complained of and proceed as follows:~~

~~(a) If the complaint concerns a public official in the legislative branch, the commission shall refer the complaint, confidentially, to the appropriate committee of the house of representatives or the senate having jurisdiction over the ethical conduct of its members and employees.~~

~~(b) If the complaint concerns a public official in the judicial branch, the commission shall refer the complaint, confidentially, to the commission on judicial performance or the chief justice of the supreme court.~~

~~(c) If the complaint concerns a public official in the executive branch or persons not covered in subsection (a) or (b) of this section, then the commission shall refer the complaint, confidentially, to the head of the department or agency, if the person is in the executive branch, or to the person about whom said complaint is filed, for other persons involved in this subsection.~~

~~(d) The persons, committees or commission receiving such complaints referred in subsection (a), (b) or (c) shall have thirty days within which to respond to the complaint.~~

~~Transmission of these required copies of complaint is accompanied by a form letter. Other form letters include a letter which must be sent to the person making the complaint to acknowledge receipt of the complaint and the action taken. A form letter is also sent to the Commission's assigned assistant attorney general.~~

~~(1) Determine the number of copies of complaint needed.~~

~~(a) If the complaint concerns an official in the legislative branch, three copies will be needed (one for the official, one for the appropriate legislative~~

~~committee, one for the asst. attorney general, and the original is filed).~~

~~(b) — If the complaint is against an official in the judicial branch, three copies will be needed (one for the official, one for the Commission on Judicial Performance, one for the asst. attorney general, and the original is filed).~~

~~(c) — If the complaint is against someone in the executive branch, four copies will be needed (one for the agency head, one for the board or commission chairman, one for the person complained against, one for the asst. attorney general, and the original is filed).~~

~~(d) — In all other cases (unless otherwise instructed) two copies will be needed (one for the person complained against, one for the asst. attorney general and the original is filed).~~

~~(2) — After making the needed number of copies, stamp the original and all copies “Confidential”. The copies to respondent and appropriate committee, person or agency should be marked “Certified True Copy” and notarized.~~

~~(3) — File the original in the file folder.~~

~~(4) — Prepare the necessary form letters.~~

~~(a) — Form letter No. 8.~~

~~Form letter number 8 must be prepared for each complaint received and forwarded to the respondent.~~

~~(b) — Form letter No. 8 a.~~

~~Form letter number 8 a must be prepared for each complaint received, where respondent is in legislative, judicial, or executive branch of government and has a “supervisor”.~~

~~(c) — Form letter No. 10.~~

~~Form letter number 10 must be prepared for each complaint received and forwarded to complainant.~~

~~(d) Form letter No. 9.~~

~~Form letter number 9 is prepared when form letter number 8 a is sent and it is forwarded to the appropriate individual or agency notifying them of the complaint.~~

~~(e) Other letters.~~

~~Other letters as directed by the director or investigators may be prepared.~~

~~(5) For form letter numbers 8, 8 a, 9, and 10, and others as directed by director or assistant director, the original must be stamped "Confidential". The envelopes used in mailing these letters must also be stamped "Confidential" on the outside.~~

~~(6) When ready for signature, place the letters in the complaint file for signature by the director. (In the absence of the director, the assistant director may be authorized to sign correspondence.)~~

~~(7) Make copies of letters of transmittal after they are signed.~~

~~(8) After copied, letters notifying either the respondent or an appropriate related agency must be mailed "Registered Mail—Return Receipt Requested". Only the person to whom the letter is addressed, or their agent designated in writing, can receive and sign for the letter. The only exception to this rule is letters which are hand delivered by an Ethics Commission staff member.~~

~~A receipt for all letters (except those to complainant and asst. attorney general) is required, including those hand delivered. The receipts used by the post office are sufficient for mailed letters. For those delivered in person, a typed receipt showing date and nature of the letter must be completed and signed.~~

~~The receipt, provided by the post office at the time the letter is mailed is maintained by the investigative assistant, in the agency mailing book for registered letters provided by the post office. The signed receipt should be filed in the complaint file as soon as the signed receipt is received.~~

~~(9) — After mailing the appropriate letters, file copies of each letter in the complaint file.~~

~~D. — The legislation creating the Mississippi Ethics Commission provides that the individual against whom a complaint is filed, as well as any other appropriate commissions or individuals notified of the complaint, have a thirty day period in which to respond to the complaint. In order to maintain control on the due dates of such responses, the investigative assistant determines the date response is due by adding 30 days to date complaint received by the respondent (indicated on post office receipt) and records this date on a calendar.~~

~~If a response is received, the executive secretary stamps the date received on the response, the executive director reviews the response and then forwards it to the investigative section. The date response is received is then entered into the complaint log book by the investigative assistant.~~

~~Form letter #10 is sent to respondent if a response is received, acknowledging the receipt of response.~~

~~Again, it should be remembered that all such letters and responses are confidential. Access to such copies must be controlled and only those with a reason to view them can be allowed to do so.~~

~~E. — General information concerning complaint filing.~~

~~1. — All complaints files will be maintained in brown two divider file folders.~~

~~2. — All complaints files will be maintained in the combination locked file cabinet in the document room. Any time the files are left unattended by an appropriate Ethics Commission staff member, the file must be locked.~~

~~3. — All pertinent information regarding the complaint must be filed immediately in the complaint file. Materials not filed must be maintained in a secure, controlled manner to insure that they remain confidential before and after they are filed.~~

~~4. — Access to the complaint files should not be granted to anyone, including other Ethics Commission staff, unless that person has a specific and legitimate reason for obtaining a file. Individuals from outside the Ethics Commission must never be allowed access to the files without the express written consent of the director, and/or the assistant director in his absence.~~

~~5. — When a file is removed from the filing cabinet an Out Card must be signed and dated and placed in filing cabinet where complaint file is usually filed. If it is necessary to remove a file (Other than for ongoing investigation) it should be returned to file within 48 hours of removal. Files currently~~

~~being used in an investigation can be kept by assigned investigator, but should be returned periodically when not in actual use to allow time for pertinent information to be filed.~~

~~6. A Data Sheet is filed in each complaint file in the inside cover of the folder. This sheet is to be filled out by the investigator handling that particular investigation. These sheets must be completed before the files are closed by the investigative assistant, as this will aid in the compilation of investigative data each year.~~

~~7. Closing the files.~~

~~Any complaint file is subject to closing after the Commission votes to terminate or refer a complaint to another authority. When termination letters are prepared and sent.~~

~~a) Enter in the complaint log book the date on which the complaint file was closed (this is Commission final action date).~~

~~b) With a yellow hi-lighter pen, mark through the file number on the file folder. Again, this will be an automatic indication that the complaint has been terminated.~~

~~8. Notification.~~

~~a) The respondent, individual against whom the complaint was made, and other appropriate committees or individuals shall be notified of final action by the Commission. The Executive Director will sign individual letters to all parties involved.~~

~~b) The original and all copies of the letters must be stamped "Personal and Confidential". The envelopes should also be stamped "Personal and Confidential".~~

~~c) The copies of the letters and receipts of delivery, if applicable, should be filed in the complaint file.~~

Received and read by: _____ Approved by:

Name Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 7.2 _____ Date issued: 8-10-80

Subject: Unsworn Complaints _____ Date(s) amended: 11-17-82
_____ 5-11-84

I. ~~_____~~ Purpose

~~The purpose of this policy and procedure is to provide information on the procedures to be utilized in handling unsworn complaints.~~

II. ~~_____~~ General

~~Many complaints submitted to the Ethics Commission will be in the form of unsworn complaints. These may be received by letter, personal interview, telephone calls or anonymous "tips". Although unsworn, these complaints may contain valuable information for use by the Ethics Commission. As in the case of sworn complaints, the contents and nature of these unsworn complaints must also remain strictly confidential.~~

III. ~~_____~~ Procedures

A. ~~_____~~ Referral of complaints to the Investigative Section.

- ~~1. _____ Individuals desiring talk with the Ethics Commission staff concerning a possible complaint should be directed immediately to the Investigative Section, the executive director, or the assistant director.~~
- ~~2. _____ Letters received by the Ethics Commission which constitute unsworn complaints will be routed directly to the assistant director, after being stamped in.~~
- ~~3. _____ Incoming phone calls involving complaints or allegations of misconduct or violations of law will be routed directly to an available investigator, the investigative assistant, the executive director, or the assistant director.~~

B. ~~_____~~ Completion of "Information Complaint" Form (QP-9) and Form Letters.

- ~~1. _____ Upon receipt of a verbal complaint in which the complaint requests an Ethics Commission complaint form, the staff member taking the complaint will complete the "Information Complaint" Form (QP-9). This form is then given to investigative assistant and from letter #1 is reproduced with a sworn complaint form attached.~~

2. Upon receipt of written correspondence of an unsworn complaint nature, a QP-9 form is also completed by the investigative assistant and form letter, 2, 3, 4, 5, 6, or 7 (depending on the particular type of correspondence) will be sent to complaint along with a sworn complaint form.

C. Explanation of Ethics Commission responsibilities.

1. For complaints made either in person or by telephone, the investigator taking the complaint must inform the complainant of the following:
 - a) The Ethics Commission is required by law (Section 24-4-19, Mississippi Code of 1972, Annotated) to act only on the complaints which are sworn to under oath. Investigation of unsworn complaints is prohibited.
 - b) Should the complaint be sworn to, a copy of the sworn complaint must be provided to the person against whom the complaint is made (Section 25-4-21, Mississippi Code of 1972, Annotated.)
 - c) All information relating to the complaint must remain absolutely confidential under penalty of law. (Section 25-4-31, Mississippi Code of 1972, Annotated.)
 - d) The complaint must allege a violation of law before the Ethics Commission can initiate an investigation.

D. Notification to the director.

After completion of Form Letter, and Form QP-9, all related materials must be sent to the director for his information and signature of letter.

E. Filing the unsworn complaint.

1. If, through action of the Ethics Commission itself or the complainant, the unsworn complaint should become a sworn complaint, a copy of form QP-9 and any attachments will be filed in the sworn complaint files as a part of the complaint file.
2. Unsworn complaints on which no further action will be taken immediately, will be filed in the unsworn complaint files. Procedures to follow when filing an unsworn complaint are:
 - a) A standard manila folder is used to file eight or ten unsworn complaints at one time (depending on size of each).

b) ~~The complaint number (the last two digits of calendar year complaint received, and the last three digits with consecutive numbering, and a capital U to identify unsworn at the end) is placed in bottom right hand corner of form QP-9 (top sheet of unsworn complaint package) Ex. 82-001-U.~~

c) ~~Unsworn complaint numbers and other pertinent information are logged in the same log book as sworn complaints, but a different section, by the investigative assistant. The other pertinent information entered in log book is~~

~~(1) date complaint received~~

~~(2) name of complainant and respondent~~

~~(3) type of allegation~~

~~F. Indexing~~

~~I. All names contained in the unsworn complaint will be indexed on cards.~~

~~H. The indexing of names shall be identified with the following information:~~

~~a) Name~~

~~b) Unsworn complaint file number~~

~~c) Date~~

~~d) County of residence where complained of action occurred.~~

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. ~~7.3~~ _____ Date issued: ~~12-5-80~~

Subject: Investigative Reports _____ Date(s) amended: ~~2-01-82~~
_____ ~~5-30-84~~

I. ~~Purpose~~

~~This investigative reporting procedure is provided for the purpose of establishing uniformity throughout the case files for the Mississippi Ethics Commission regarding reporting results of investigations conducted by personnel of the Commission.~~

II. ~~General~~

~~The general instructions relating to the recording of information of investigations by the Ethics Commission staff are outlined in the following procedures:~~

III. ~~Procedures~~

~~Information is to be transcribed on Mississippi Ethics Commission Form No. QP-7, Report of Investigation.~~

1. ~~“File No.” section~~

~~The file number will be identical throughout the case history of the individual case and the file number will be obtained by utilization of procedure III-C-1 of Policy and Procedure No. 7.1.~~

2. ~~“File Title” section~~

~~In an attempt to maintain consistency in reporting procedures, the file title will be identical as written on the case file folder. The file title will always be identical throughout the history of the case file and no alterations and/or changes will be made. It should include:~~

- ~~a. the name of the individual complained of~~
- ~~b. individual’s title, and~~
- ~~c. governmental organization involved in the complaint.~~

3. ~~“By” “At” and “Date” sections~~

a. ~~“By” section~~

~~This section will contain the name of the staff member conducting the investigation and/or interviews.~~

b. ~~“At” section~~

~~This section will contain the city and/or state where the investigation and/or interview transpired.~~

c. ~~“Date” section~~

~~This section will contain the date (month, day, and year) on which the investigation and/or interview transpired — not the date it was typed.~~

4. ~~“Other Officers and Agencies” section~~

~~This section will contain the name of other individuals, if any, who were present on an interview or assisted in an investigation. The individual’s title and agency should also be included.~~

5. ~~“Cross File — Related Files” section~~

~~This section should be used to identify other files related to this file. For example, a master file may be opened when more than one person is complained against by the same complainant and other files will be considered secondary files and should be referenced.~~

6. ~~“Report Re:” section~~

~~This section will contain information indicating who was being interviewed, title and employment of person(s) being interviewed, and where the information was obtained. For example:~~

a. ~~An interview was conducted with Ronald E. Crowe. This would be appropriately reported in the “Report Re:” section as, “Interview of Ronald E. Crowe, Executive Director, Mississippi Ethics Commission”.~~

b. ~~Information was obtained from the National Crime Information Center (NCIC) regarding the criminal history information on a subject in the particular substantive case file. This can be reported in the “Report Re:” section as “Information obtained from NCIC printout”.~~

7. ~~“Predication” section~~

~~This section is to appear on the report of the investigation immediately above the “Summary” section and is to be a brief explanation of why this particular individual was interviewed and/or why a particular part of the investigation was conducted. (Pertains directly to individuals interviewed and for investigation conducted in the “Report Re:” section.)~~

~~8. “Summary” section~~

~~This section will appear immediately below the “Predication” section and will contain a brief description and/or informative summary of the nature and important events obtained from the particular interview. This should include a synopsis of the “Details” section.~~

~~9. “Details” section~~

~~The objective of this section of the report is to present a narrative account of the interview and/or particular investigation conducted. Each paragraph should normally contain a separate investigative step. All pertinent details uncovered by this particular phase of the investigation being reported should be related in this section.~~

~~Basic information contained in the “Details” section should contain the following:~~

- ~~a. The identity of the individual interviewed;~~
- ~~b. The location (address) where the interview transpired;~~
- ~~c. The individual’s home address and telephone number(s) where they can be contacted; and~~
- ~~d. A sentence advising the individual of
 - ~~(1) interviewer’s identity;~~
 - ~~(2) the reason for the interview; and~~
 - ~~(3) the confidentiality of the interview.~~~~

~~10. “Recommendations” section~~

~~The recommendations, if any, should be contained on a separate page placed at the end of the report. The investigator’s opinions, conclusions, and recommendations as to the status of this particular case and the disposition of the physical evidence obtained, if any, should be included in this section. (Because of his/her proximity to the investigation, the investigator is in a better position than the reviewing authority to judge the credibility of statements in his/her report(s); therefore, generally great weight is given to his/her conclusions.)~~

11. ~~“Distribution” section~~

~~The disposition of the original and all copies of the report should be clearly stated. (If no copies leave the Mississippi Ethics Commission, there is no need to fill in this section.)~~

~~Reports identified with “Restrictive Information—Ethics Commission Files Only” shall never be distributed outside the Ethics Commission without the approval of the executive director.~~

12. ~~“Signature” section~~

~~This section will contain the signature of the executive director or assistant director to enter the date of final approval.~~

13. ~~All investigative reports shall be completed within ten (10) working days following the interviews, investigations, etc. being reported.~~

~~B. Information to be transcribed on Mississippi Ethics Commission Form QP-8, Report of Investigation (Continuation)~~

1. ~~“Date”~~

~~The date will be identical to the date on the appropriate QP-7.~~

2. ~~“File No.”~~

~~As expressed in procedure A-1, the file number will remain identical throughout case history of the individual case.~~

3. ~~“File Title”~~

~~This title will be identical to file as shown on the accompanying QP-7 and identical to title as indicated on substantive case file folder.~~

Received and read by: _____ Approved by: _____

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 8.0 _____ Date issued: 8-25-80

I. Purpose

The purpose of this policy and procedure is to provide instructions concerning the filing of reference and name material.

II. General

Information reaching the Ethics Commission from any source concerning alleged violations of law by city, county, or state officials or employees will be filed in a reference or name file for future information. Such information may come in the form of unsworn complaints, anonymous letters or phone calls, or newspaper accounts. Should the information be sufficient to warrant such action, the Ethics Commission may authorize a sworn complaint and the information will become a part of the complaint file. In cases where the information does not immediately result in a complaint, the information should be filed in the reference or name files for future referral.

III. Procedures

A. Reference Files

The following procedures should be followed in filing reference information:

1. Identify names associated with the information.

With a red pen, the investigative assistant will underline the names of every person and agency appearing in the article of information.

2. This information is not numbered, but an index card is prepared with all the names appearing in the information, and showing location (reference files) of the particular information.
3. A standard manila folder is used for filing of reference materials and is filed in same way as the unsworn complaints, in a manila folder (See Policy and Procedure 7.2, III, E). A tab with "Reference Material" is affixed to the folder and the folder shall be filed in the file cabinet directly behind the sworn complaints—not processed files.

B. Name File

1. The name file is established, at the request of the director, assistant director, or an investigator from the reference material file if the information received consists of a large volume of paper or if its probable

~~that more information related to this particular individual, agency, board, etc. will be obtained.~~

- ~~2. After it has been determined a name file is needed, the name file is created in the following manner:
 - a. A standard size manila file folder is used for each name file.
 - b. The name is typed, last name first, on a file label and affixed to a manila file folder.
 - c. Each name file is filed in alphabetical order in the investigative file cabinet, directly behind the reference files.
 - d. An index card is prepared containing all the pertinent information and indicating that all information related to a particular person is in that particular name file.
 - e. Any newspaper clipping, letter, note, etc. which is not at least 8½" x 11" must be affixed to a sheet of typing paper for filing to facilitate filing and retrieval of the information.~~

~~Received and read by: _____ Approved by:~~

~~_____
Name Ronald E. Crowe, Executive Director~~

~~_____
Date Date~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 9.1 _____ Date issued: 8-25-80

Subject: File Security _____ Date(s) amended: 11-17-82
_____ 5-31-84

I. ~~Purpose~~

~~The purpose of this policy and procedure is to outline general security measures relating to Commission files.~~

II. ~~General~~

~~Because legislation establishing the Ethics Commission requires that all complaints, investigations and general proceedings of the Commission remain confidential, it is of absolute importance that security measures be strictly observed to insure that confidentiality is maintained. The following instructions apply to all reference and complaint files.~~

III. ~~Procedures~~

A. ~~All reference and complaint files will be maintained in combination lock file cabinets.~~

B. ~~The complaint log book will be stored in a locked combination lock file cabinet at night and at all times when not in use.~~

C. ~~Any and all pertinent information to a complaint or investigation must be filed immediately. Materials awaiting filing should be stored in a locked desk. At no time should these materials be left unattended so to avoid the possibility of disclosure.~~

D. ~~Anytime complaint, unsworn complaint, reference or name files are removed from the file, a card bearing the name of the person removing the file and the file number or name must be inserted in the filing cabinet in place of the file. The person removing the file is then responsible for the file and its contents.~~

E. ~~Access to the reference and complaint files will be limited only to staff members who have a need to review their contents.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 9.2 _____ Date issued: 8-31-84

Subject: Investigative Files and Document _____ Date(s) amended:
Security for Chain of Custody. _____

I. Purpose

The purpose of this policy and procedure is to establish security of investigative files, documents, subpoenas, subpoenas duces tecum, and other materials related to the investigative section of the Commission.

II. General

Due to the judicial process and to any which may be pursued by this Commission, total "chain of custody" of all possible evidence is a necessity. Therefore, the following instructions apply to all material maintained in the documents room of the Mississippi Ethics Commission.

III. Procedures

1. The investigative assistant will be the only individual authorized to obtain case files, inactive case files, documents, and any other materials from the documents room of the Commission.

In the absence of the investigative assistant, the executive secretary will be authorized to retrieve and/or return materials to the documents room. No other staff or non staff personnel, i.e. with the exception of the Director and/or Assistant Director, will enter the documents room at any time.

2. The material contained within the documents room is strictly on a need to know basis; and staff members not working on a case or not directed by the executive director, assistant director, or by an investigator will not obtain any material from same.

3. Any staff member in need of materials contained in the documents room will make their specific request to the investigative assistant. A 3" x 5" sign out card will be maintained on each case and/or on any material contained in the documents room which staff members desire to review.

~~The investigative assistant will prepare a 3" x 5" card for the requested material and the staff member obtaining this material will sign his/her signature and date material was signed out.~~

~~Upon completion of the review of the material by the staff employee, the investigative assistant will enter the time and date same was returned.~~

- ~~4. No original document, report of investigation, or any other original material will be taken out of the Commission office space with the exception that the material has been subpoenaed for trial.~~
- ~~5. Any material contained in the documents room will be returned at the end of the work day, i.e., the material will not be placed in any staff member's desk overnight. If the material is needed for review for more than one day, it may be checked out each day.~~
- ~~6. If any staff employee needs documents for pre trial conference, for discussions with district attorney personnel, or for discussions with representatives from the attorney general's office, they may make "copies" of the necessary documents and thereafter return the original documents to the investigative assistant.~~

~~IV. Conclusion~~

~~The intent of these policies and procedures is to maintain an absolute "chain of custody" of all possible evidence obtained during investigations conducted by staff members of this Commission.~~

~~Received and read by: _____ Approved by:~~

~~_____
Name Ronald E. Crowe, Executive Director~~

~~_____
Date _____ Date~~

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 9.3 _____ Date issued: 8-31-84

Subject: Document Receipt _____ Date(s) amended: _____

I. ~~Purpose~~

~~The purpose of this policy and procedure is to establish a consistent manner in the retrieval and/or the return of all documents obtained by all staff members of this Commission.~~

II. ~~General~~

~~Due to the necessity of maintaining a "chain of custody" of all evidence and/or documentation retrieved and/or returned by staff personnel of the Mississippi Ethics Commission, the following instructions are set forth.~~

III. ~~Procedures~~

~~Attached is a form entitled "Mississippi Ethics Commission Document Receipt" and the following guidelines apply to its use.~~

- ~~A. This form will be used to acknowledge receipt of all documentary evidence, except copies of public records which would normally be available to a private citizen.~~
- ~~B. When the documents are turned over to an investigator or other staff member in person, the form will be completed in legible handwriting and a copy presented to the provider.~~
- ~~C. When documents are received by mail, a letter will be sent to the provider which includes an attached copy of the document receipt.~~
- ~~D. In the cases above, the original receipt and remaining copy will be placed in the document envelope along with the documents received.~~
- ~~E. When these documents are returned to the provider (case of original documents or one of a kind records) both the original and copy will be presented to the original provider (or representative) for their signature acknowledging the return of the documents.~~

~~1. This can be done by certified mail with the director's approval. In the case of certified mail only the copy will be mailed with the documents and the provider requested to sign and return the form.~~

~~F. When documents have been returned and the return receipt signed, the receipt will be placed back in the original document envelope awaiting appropriate final action.~~

~~IV. Conclusion~~

~~The intent of the above guidelines is to establish and maintain an absolute "chain of custody" of all documents obtained by staff members of this Commission.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 10.1 _____ Date issued: 8-25-80

Subject: Information Dissemination and _____ Date(s) amended: 11-17-82
_____ Confidentiality of Complaints and _____ 5-31-84
_____ Investigative Proceedings

I. _____ Purpose

~~This policy and procedure is for the purpose of providing general rules for the dissemination of information by the Mississippi Ethics Commission.~~

II. _____ General

~~General instructions relating to the dissemination of information, both internally and externally, are outlined in the following procedures.~~

III. _____ Procedures

- ~~A. _____ Only Ethics Commission staff requiring information relating to the files will have direct access to the files and log books in the file cabinet.~~
- ~~B. _____ Dissemination of information will be strictly on a "need to know" basis. This rule applies to Ethics Commission staff as well as to outside requests for information. Unless the individual requesting confidential information can provide a specific reason for needing the information, the request will be denied. Automatic notification of complaints will be provided as specified in the law.~~
- ~~C. _____ Information requests from outside the Ethics Commission must be accompanied by written authorization from the executive director before any information is disseminated.~~
- ~~D. _____ At no time should any file—reference, complaint, unsworn complaint, name—be left unattended in any office. During the day, files in use should be locked away inside the desks when it is necessary for the person using them to leave the room for a brief time. When not in use, the files must be returned to the combination filing cabinet unless some special situation requires the use of the file after hours. The person using the file is responsible for maintaining the confidentiality of all of its contents. This policy shall not be intended to relax any of the provisions in policies 9.1, 9.2, or 9.3.~~

Received and read by: _____ Approved by:

Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____

MISSISSIPPI ETHICS COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR

Policy and Procedure No. 11.0 _____ Date issued: 7-12-96

Subject: Lobbyist or Lobbyist's Client _____ Dates amended: 12-6-96
_____ Appeal Hearing

I. _____ Purpose

~~The purpose of this policy is to set forth guidelines by which the Ethics Commission hearings on appeals by a Lobbyist or a Lobbyist's Client of civil penalties assessed by the Secretary of State's Office will be conducted and for preparing a record of said hearings.~~

~~The following procedures will be followed by the Ethics Commission members and staff in conducting appeals by a Lobbyist or a Lobbyist's Client of civil penalties assessed by the Secretary of State's Office and for preparing a record of said hearings.~~

H. _____ Procedures

_____ A. _____ Pre hearing phase

1. _____ A hearing will be scheduled upon receipt by the Ethics Commission of a sworn application of a lobbyist or lobbyist's client from the Secretary of State's Office.
2. _____ The Ethics Commission shall at its next regular monthly meeting fix a time and place for a hearing and shall cause a written notice specifying the civil penalties that have been assessed against the lobbyist or lobbyist's client and notice of the time and place of the hearing to be served upon the lobbyist or lobbyist's client at least twenty (20) calendar days prior to the hearing date.
 - a. _____ The notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last known business address of the lobbyist or lobbyist's client.
3. _____ The Ethics Commission shall through its Executive Director issue subpoenas for attendance of witnesses and the production of books and papers at such hearing.

~~a. — The lobbyist or lobbyist's client shall receive notice, included with the written notice of the hearing date, to provide a list of witnesses and/or books and papers to be presented during the hearing and if the Ethics Commission is being requested to issue subpoenas for same.~~

~~1. — The lobbyist or lobbyist's client shall bear the cost of all witnesses and books and papers required by the lobbyist or lobbyist's client.~~

~~b. — The Secretary of State, or his designee, shall be notified to present that office's position on the assessment of the civil penalties, to provide a list of witnesses and/or the production of books and papers supporting that office's position and if the Ethics Commission is being requested to issue subpoenas for same.~~

~~1. — The Secretary of State's Office shall bear the cost of all witnesses and books and papers required by that office.~~

~~c. — The Ethics Commission's subpoenas shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.~~

~~4. — The Ethics Commission shall appoint a hearing officer to conduct the hearing, who shall administer oaths as may be necessary for the proper conduct of the hearing.~~

~~a. — The hearing officer shall rule on all procedural matters during the hearing and shall be responsible for order and decorum.~~

~~b. — The Ethics Commission shall determine what portion of the cost for a hearing officer the Secretary of State's Office or the lobbyist or lobbyist's client shall bear.~~

~~5. — The Executive Director of the Ethics Commission shall organize a pre-hearing conference to be attended by the hearing officer; the lobbyist or lobbyist's client, and/or their attorneys; and the Secretary of State, or his designee.~~

~~B. — Hearing phase~~

~~1. — The hearing officer shall preside over the hearing; administer oaths; rule on procedural matters; and, maintain order and decorum.~~

2. ~~The Ethics Commission members will attend the hearing to listen to all testimony and other evidence presented.~~
3. ~~A court reporter shall be present to make and preserve a record of the proceedings sufficient for the court to review.~~
 - a. ~~The Ethics Commission shall determine what portion of the cost of a court reporter and, if necessary, one (1) transcript for the use by the Ethics Commission the Secretary of State's Office or the lobbyist or lobbyist's client shall bear.~~
4. ~~The Ethics Commission shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be based upon sufficient evidence to sustain it.~~
5. ~~The hearing shall be open to the public.~~

~~C. Post hearing phase~~

1. ~~Within fifteen (15) calendar days after conclusion of the hearing, the Ethics Commission shall reduce its decision to writing and forward an attested true copy thereof to the last known business address of the lobbyist or lobbyist's client by way of United States first class, certified mail, postage paid.~~
2. ~~The cost of the preparation of the record of the proceedings for purpose of an appeal from the decision of the Ethics Commission shall be assessed to the party filing the appeal.~~
 - a. ~~A request for preparation of the record for purpose of an appeal shall be made to the Executive Director of the Ethics Commission twenty (20) calendar days prior to the last day for filing notice to perfect the appeal to the Circuit Court of Hinds County.~~

~~III. Conclusion~~

~~This policy has established guidelines to comply with the Lobbying Law Reform Act of 1994, Section 5, Chapter 8 of the Mississippi Code Annotated of 1972 (amended).~~

Received and read by: _____ Approved by:

 Name _____ Ronald E. Crowe, Executive Director

Date _____ Date _____



RULES OF THE MISSISSIPPI ETHICS COMMISSION

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CHAPTER 1: Commission Meetings

1. Meetings of the Mississippi Ethics Commission shall begin at 10:00 a.m. on the first Friday of each month and shall be held at the commission's office in the City of Jackson unless the commission, either at a regular meeting or by specially calling a meeting, sets another time, date or place.
2. The commission may pretermite any meeting.
3. At all meetings the chairman, or in his or her absence the vice-chairman, shall preside and maintain decorum, ensuring the deliberate but expedient discharge of all business before the commission.
4. In all meetings the commission will comply with and follow the requirements of the Open Meetings Act, codified in Title 25, Chapter 41, Miss. Code of 1972.
5. The commission shall hold confidential sessions on all matters designated as confidential by the Ethics in Government Law, codified in Title 25, Chapter 4, Miss. Code of 1972.
6. Only commission members, commission staff members, attorneys for the commission, witnesses or other persons whose presence the commission deems necessary may attend confidential sessions. All other persons shall be excluded from the meeting area during confidential sessions.
7. The commission and its staff shall keep separate minutes of confidential sessions which shall not be subject to disclosure.

CHAPTER 2: Public Records Requests

8. In compliance with Section 25-61-5, Miss. Code of 1972, of the Public Records Act, the commission staff is authorized to produce or deny production of a public record no later than fourteen (14) working days from the date of request for the production of such record. However, in all instances the commission staff should endeavor to produce or deny production of a public record as quickly as possible under the circumstances.
9. When any person files or submits documents with the commission which the filer contends are exempt from disclosure under the Public Records Act, the filer shall provide a written statement at the time of filing which shall describe the documents filed and which shall fully explain why the documents are designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.
10. Any document filed with the commission which contains trade secrets or confidential commercial or financial information subject to the protection of any applicable law or court decision shall be clearly designated as such on its face and accompanying cover letter at the time of filing and shall be placed in an envelope other than white. Each page of each document shall be marked confidential. Upon request to inspect or copy any document so

37 designated, the commission shall notify the person who filed the document. Thirty (30) days
38 after such notice, the document will be made available for public inspection or copying
39 pursuant to the terms of this rule unless the filer shall have obtained a court order protecting
40 such records as confidential pursuant to Section 25-61-9, Miss. Code of 1972.

41 11. Any person filing documents with the commission shall, prior to filing, redact from the
42 documents any social security numbers, account numbers or dates of birth. The commission
43 shall determine on a case-by-case basis whether similar information may be redacted by the
44 filer to prevent identity theft. In no event will the commission bear any responsibility for a
45 filer's failure to redact such information which leads to or may lead to identity theft or other
46 crime or loss.

47 12. This chapter shall not apply to documents which relate to a confidential complaint as set
48 forth in Section 25-4-19, Miss. Code of 1972, or a request for advisory opinion submitted
49 pursuant to Section 25-4-17, Miss. Code of 1972.

50 **CHAPTER 3: Lobbying Appeals**

51 **Purpose**

52 The purpose of this policy is to set forth guidelines by which the Ethics Commission hearings on
53 appeals by a Lobbyist or a Lobbyist's Client of civil penalties assessed by the Secretary of
54 State's Office will be conducted and for preparing a record of said hearings.

55 The following procedures will be followed by the Ethics Commission members and staff in
56 conducting appeals by a Lobbyist or a Lobbyist's Client of civil penalties assessed by the
57 Secretary of State's Office and for preparing a record of said hearings.

58 **Rules**

59 13. Pre-hearing phase

60 13.1. The executive director of the Ethics Commission shall schedule a hearing upon
61 receipt of a sworn application of a lobbyist or lobbyist's client from the Secretary of
62 State's Office.

63 13.2. The executive director shall fix a time and place for a hearing and shall serve
64 upon the parties written notice specifying the civil penalties that have been assessed
65 against the lobbyist or lobbyist's client and notice of the time and place of the hearing at
66 least twenty (20) calendar days prior to the hearing date. The hearing shall be set for a
67 date which is at least fourteen (14) days prior to the anticipated date of a regular monthly
68 meeting of the Ethics Commission.

69 13.2.1. The notice may be served by mailing a copy thereof by certified mail, postage
70 prepaid, to the last known business address of the lobbyist or lobbyist's client.

71 13.3. The Ethics Commission shall through its executive director, or his or her
72 designee, issue subpoenas for attendance of witnesses and the production of books and
73 papers at such hearing.

74 13.3.1. The lobbyist or lobbyist's client shall receive notice, included with the written
75 notice of the hearing date, to provide a list of witnesses and/or books and papers
76 to be presented during the hearing and if the Ethics Commission is being
77 requested to issue subpoenas for same.

78 13.3.1.1. The lobbyist or lobbyist's client shall bear the cost of all witnesses and
79 books and papers required by the lobbyist or lobbyist's client.

80 13.3.2. The Secretary of State, or his designee, shall be notified to present that office's
81 position on the assessment of the civil penalties, to provide a list of witnesses
82 and/or the production of books and papers supporting that office's position and if
83 the Ethics Commission is being requested to issue subpoenas for same.

84 13.3.2.1. The Secretary of State's Office shall bear the cost of all witnesses and
85 books and papers required by that office.

86 13.3.3. The Ethics Commission's subpoenas shall be enforced by any court of competent
87 jurisdiction of this state in the manner provided for the enforcement of attendance
88 and testimony of witnesses in civil cases in the courts of this state.

89 13.4. The Commission hereby appoints the executive director or his designee chosen
90 from a list preapproved by the Commission as hearing officer to conduct the hearing and
91 administer oaths as may be necessary for the proper conduct of the hearing.

92 13.4.1. The hearing officer shall rule on all procedural matters during the hearing and
93 shall be responsible for order and decorum.

94 13.4.1.1. The Ethics Commission shall determine what portion of the cost for a
95 hearing officer the Secretary of State's Office or the lobbyist or lobbyist's
96 client shall bear.

97 13.5. The executive director of the Ethics Commission, or his or her designee, shall
98 organize a pre-hearing conference to be attended by the hearing officer; the lobbyist or
99 lobbyist's client, and/or their attorneys; and the Secretary of State, or his designee.

100 14. Hearing phase

101 14.1. The hearing officer shall preside over the hearing; administer oaths; rule on
102 procedural matters; and, maintain order and decorum.

103 14.2. Ethics Commission members may attend the hearing to listen to all testimony and
104 other evidence presented.

105 14.2.1. The Ethics Commission shall determine what portion of the cost of a court
106 reporter and, if necessary, one (1) transcript for the use by the Ethics Commission
107 the Secretary of State's Office or the lobbyist or lobbyist's client shall bear.

108 14.3. The Ethics Commission shall not be bound by strict rules of procedure or by the rules
109 of evidence in the conduct of the proceedings.

110 14.4. The hearing shall be open to the public.

111 15. Post-hearing phase

112 15.1. After conclusion of the hearing, the commission or hearing officer shall reduce its
113 decision to writing and forward a certified copy thereof to the last known address of
114 the parties by way of United States first-class, certified mail, postage paid.

115 15.2. The cost of the preparation of the record of the proceedings for purpose of an appeal
116 from a decision of the Ethics Commission shall be assessed to and prepaid by the
117 party filing the notice of appeal in accordance with the Uniform Rules of Circuit and
118 County Court. Such cost shall be paid upon filing the notice of appeal pursuant to
119 Rules 5.04 and 5.09 of the Uniform Rules of Circuit and County Court.

120 **CHAPTER 4: Open Meetings Disputes**

121 **Purpose/Scope**

122 The following rules and regulations are promulgated by the Commission pursuant to Mississippi
123 Code Annotated § 25-41-15, as amended by Senate Bill No. 2983, enacted during the 2008
124 Regular Session of the Mississippi Legislature. These rules and regulations apply to hearings
125 within the Commission's jurisdiction pursuant to Title 25, Chapter 41 of the Mississippi Code of
126 1972.

127 **Rules**

128 16. Prehearing Phase

129 16.1. Upon receiving a complaint, the executive director shall forward a copy of the
130 complaint, via certified mail, postage prepaid to the head of the public body against
131 which the complaint has been made.

132 16.2. The public body shall have fourteen (14) days from receipt of the complaint to file a
133 response with the Commission.

134 16.3. After receiving the response to the complaint or, if no response is received after
135 fourteen (14) days, the Commission, in its discretion, may dismiss the complaint or
136 proceed by setting a hearing in accordance with these rules and regulations.

137 16.4. Appointment and Authority of Hearing Officer.

138 16.4.1. The Commission hereby appoints the Executive Director or his designee chosen
139 from a list preapproved by the Commission as hearing officer for all open
140 meetings disputes within the Commission's jurisdiction pursuant to Title 25,
141 Chapter 41 of the Mississippi Code of 1972.

142 16.4.2. The hearing officer has and shall exercise the power to regulate all proceedings in
143 every hearing before him and to do all acts and take all measures necessary or
144 proper for the efficient performance of his duties under these regulations. The
145 hearing officer may require production, through order or subpoena, of evidence
146 upon all matters embraced in the open meetings dispute, including the production
147 of all books, papers, vouchers, documents, and writings applicable thereto. The
148 hearing officer shall have the power to administer oaths, examine witnesses in
149 open meetings cases pending before the Commission, examine and report upon all
150 matters referred to him. The hearing officer shall have the power to enter
151 protective orders.

152 16.4.3. The hearing officer shall have the power to direct the issuance of subpoenas for
153 witnesses to attend before him or her to testify in the cause. If any witness shall
154 fail to appear, the hearing officer shall proceed by process to compel the witness
155 to attend and give evidence.

156 16.4.4. The hearing officer may direct the parties to participate in a conference or
157 conferences prior to the hearing on the merits, for such purposes as expediting the
158 disposition of the action and facilitating resolution of the case.

159 16.4.5. The hearing officer may issue rulings on scheduling matters, protective orders,
160 admissibility of evidence, and other procedural or pre-hearing matters.

161 16.4.6. The hearing officer may alter any of the time periods provided by these
162 regulations, upon his own initiative or upon a motion by a party or other person
163 affected for good cause shown.

164 16.5. Ex Parte Communications.

165 16.5.1. No party or such party's representative shall communicate with the hearing
166 officer directly or indirectly in connection with any issue of fact or law related to
167 a proceeding pending before the Commission, except upon notice and opportunity
168 to all parties to participate.

169 16.5.2. The hearing officer may, with the consent of the parties, confer separately with
170 the parties and/or their lawyers in an effort to mediate or settle a pending matter.

171 16.5.3. This rule shall not preclude:

172 16.5.3.1. The hearing officer from consulting with Commission counsel concerning
173 any matter before the Commission; or

174 16.5.3.2. A party or his representative from conferring with the hearing officer, or
175 Commission counsel concerning procedural matters that do not involve
176 issues of fact or law related to the proceeding.

177 16.6. Appearance through Counsel.

178 16.6.1. Parties to proceedings governed by this regulation may appear personally or
179 through an attorney, except that a party must personally attend any hearing on the
180 merits unless his attendance has been waived, in writing, by the hearing officer.

181 16.6.2. When a party has appeared through an attorney, service of all notices, motions,
182 orders, decisions and other papers shall thereafter be made upon the attorney,
183 unless the party requests otherwise in writing.

184 16.6.3. When a party is represented by an attorney, the attorney shall sign all motions,
185 oppositions, notices, requests, and other papers on behalf of the party, including
186 any request for issuance of subpoena

187 16.7. Pre-Hearing Conference/Scheduling.

188 16.7.1. The hearing officer may enter a scheduling order, or any such other order, that
189 sets deadlines, conferences or hearings deemed necessary or appropriate by the
190 hearing officer.

191 16.7.2. Oral argument will not normally be granted. However, the hearing officer may
192 grant oral argument on any motion in his sole discretion.

193 16.8. Subpoenas requested by parties.

194 16.8.1. The hearing officer shall have the power to issue subpoenas for testimony or
195 documents.

196 16.8.2. Subpoenas may be issued to parties upon request, but only for the following
197 purposes:

198 16.8.2.1. To compel a non-party witness to appear and give oral testimony at any
199 hearing scheduled under these regulations; or

200 16.8.2.2. To compel any person to appear at the hearing on the merits of the case, to
201 give testimony, or to produce documents or other tangible things.

202 16.8.3. Subpoenas requested by a party shall be submitted to the hearing officer on a form
203 approved by the Commission. Concurrently with the submission of the subpoena
204 to the hearing officer, the requesting party shall serve a copy on all of the parties
205 to the proceeding and shall file proof of such service with the Commission and the
206 hearing officer.

207 16.8.4. Subpoenas shall not be issued in blank. A subpoena submitted for issuance must
208 contain the title and number of the case, the name of the person to whom it will be
209 directed, the date, time and place of hearing, and the name and signature of the
210 requesting party or his attorney. A subpoena duces tecum must, in addition,
211 contain a complete description of specific documents or other tangible things that
212 the witness will be required to produce at the hearing.

213 16.8.5. Unless the witness agrees otherwise, a subpoena issued for the purposes provided
214 by Rule 16.8.2.2 above must be served by the requesting party at least ten (10)
215 calendar days prior to the hearing. A subpoena will be issued during the hearing
216 or on less than ten (10) days notice only upon order of the hearing officer for
217 reasonable cause shown by the requesting party.

218 17. Hearing Phase

219 17.1. Preliminary Report and Recommendation by Hearing Officer

220 17.1.1. Prior to a hearing on the merits, the hearing officer may prepare a preliminary
221 report and recommendation, including, if appropriate, proposed findings of fact
222 and conclusions of law, based upon the record available to the hearing officer.
223 The hearing officer shall serve a copy of such preliminary report and
224 recommendation on all parties and file a copy with the Commission. Along with
225 the preliminary report and recommendation, the hearing officer shall provide the
226 parties with a notice of proposed hearing date in the event either party objects to
227 the preliminary report and recommendation as provided in Rule 17.1.2 below.

228 17.1.2. Within five (5) business days of receiving a copy of the preliminary report and
229 recommendation, any party may file specific written objections to the preliminary
230 report and recommendations. Failure to file such objection waives that party's
231 right to a hearing on the merits. Upon receiving such objection, the hearing
232 officer shall set the hearing on the merits for the date proposed in the notice of
233 proposed hearing date previously mailed to the parties. After the hearing on the
234 merits, the hearing officer shall prepare a final report and recommendation.
235 However, nothing contained in these rules shall require the hearing officer to set a
236 hearing on the merits for a complaint in which the hearing officer recommends
237 dismissal.

238 17.1.3. If no objection to the preliminary report and recommendation is received within
239 the time provided in Rule 13.1.2 above, the hearing officer shall prepare a final
240 report and recommendation or, in the hearing officer's discretion, set the matter
241 for a hearing on the merits for the date proposed in the notice of proposed hearing
242 date. If the hearing officer sets the matter for a hearing on the merits, the hearing
243 officer shall prepare a final report and recommendation after such hearing.

244 17.1.4. The hearing officer shall file the final report and recommendation with the
245 Commission and present it to the Commission at its next regularly scheduled
246 meeting. The hearing officer shall serve a copy of the final report and

247 recommendation on the parties. The Commission can enter a final order
248 dismissing the case, modifying the report and recommendation, or adopting the
249 report and recommendation, or the Commission can enter an order remanding the
250 case for further hearing.

251 17.2. Conduct of Hearings.

252 17.2.1. Hearings shall be informal, and the Miss. Rules of Evidence while applicable,
253 shall be relaxed.

254 17.2.2. Nothing contained herein shall prohibit the hearing officer from entering orders or
255 making rulings which provide for the orderly conduct of said hearings. The
256 hearing officer may limit the issues to be heard during any hearing.

257 17.2.3. The hearing officer may also make rulings concerning any matters which do not
258 involve a disputed issue of fact without setting a hearing concerning same.

259 17.3. Continuances.

260 17.3.1. Continuances will not be granted except for good cause shown.

261 17.4. Recommendation of the Hearing Officer and Decision of the Commission.

262 17.4.1. All findings of fact made by the hearing officer or the Commission shall be based
263 upon the preponderance of the evidence. The hearing officer shall reduce all
264 recommendations to writing and submit those recommendations to the
265 Commission as described herein.

266 18. Post-Hearing Phase

267 18.1. The cost of the preparation of the record of the proceedings for purpose of an appeal
268 from the decision of the Ethics Commission shall be assessed to the party filing the
269 appeal.

270 **CHAPTER 5: Public Records Opinions**

271 **Purpose/Scope**

272 The following rules and regulations are promulgated by the Commission pursuant to Mississippi
273 Code Annotated, Title 25, Chapter 61, the Mississippi Public Records Act of 1983, as amended
274 by Senate Bill No. 2983, enacted during the 2008 Regular Session of the Mississippi Legislature.
275 These rules and regulations apply to proceedings within the Commission's jurisdiction pursuant
276 to the title and chapter aforementioned.

277 **Rules**

278 19. Requests for Public Records Opinions

279 19.1. As set forth in Section 25-61-13, Miss. Code of 1972, any person denied the right to
280 inspect or copy public records may request an opinion of the Ethics Commission as to
281 whether the public body is obligated to produce the records requested.

282 19.2. The person shall attach to the request for opinion a copy of the written denial of his or
283 her records request, if any.

284 20. Responses to Requests for Public Records Opinions

285 20.1. Upon receipt of the request, the executive secretary shall forward a copy of the
286 request and any attached documents to the public official who denied the records
287 request or failed to respond to it, as well as to the head of the public body involved, if
288 they are separate persons.

289 20.2. The public body shall have fourteen (14) days from receipt of the documents to file a
290 response with the Ethics Commission.

291 21. Issuance of Public Records Opinions

292 21.1. After receiving the response to the request for opinion or after fourteen (14) days,
293 whichever comes first, the executive director or his designee shall present a draft
294 opinion to the Ethics Commission at its next meeting if enough information is
295 available on which to base an opinion. At that meeting or a future meeting, the
296 commission shall issue an opinion.

297 22. Mediation of Public Records Disputes

298 22.1. In keeping with Section 25-61-13(1)(b)(ii), Miss. Code of 1972, the executive
299 director or his designee are hereby authorized to mediate any dispute arising under
300 the Mississippi Public Records Act.

301 23. Subpoenas and Protective Orders

302 23.1. Pursuant to the commission's authority granted in Section 25-4-19, Miss. Code of
303 1972, the executive director or his designee are hereby authorized to administer oaths
304 and issue and serve subpoenas upon any witness or for the production of documents
305 in relation to any request for a public records opinion, and such subpoenas may
306 include a protective order requiring confidentiality of the subpoena, the subject
307 matter, and any testimony or documents subpoenaed in cases where a privilege or
308 statutory exception is asserted.

309 **CHAPTER 6: Ethics Hearings**

310 **Purpose/Scope**

311
312 The following rules are established by the Commission pursuant to Mississippi Code Annotated,
313 Sections 25-4-15, 25-4-17 and 25-4-107, as amended by Senate Bill No. 2983, enacted during
314 the 2008 Regular Session of the Mississippi Legislature. These rules apply to hearings within
315 the Commission's jurisdiction pursuant to Title 25, Chapter 4 of the Mississippi Code of 1972.

316
317 **Rules**

318
319 **24. Prehearing Phase**

320 24.1. Upon a finding that probable cause exists to believe a violation of law has occurred,
321 the commission shall set a hearing on the matter and shall cause a written notice of
322 the time and place of the hearing to be served upon the respondent at least sixty (60)
323 calendar days prior to the hearing date. A finding of probable cause shall constitute
324 removal of the statutory confidentiality imposed by Sections 25-4-21 and 25-4-23, as
325 authorized in Section 25-4-17(g), Miss. Code of 1972.

326 24.1.1. The executive director shall cause a copy of the written notice to be served on the
327 respondent by personal service or by mailing a copy thereof by certified mail,
328 postage prepaid, to the last known business address of the respondent or his or her
329 attorney.

330 24.2. Appointment and Authority of Hearing Officer.

331 24.2.1. The commission may appoint a hearing officer to rule on procedural matters,
332 issue subpoenas, conduct any hearing, administer oaths as may be necessary for
333 the proper conduct of the hearing, or such other matters as ordered by the
334 Commission.

335 24.2.2. The hearing officer may direct the parties to participate in a conference or
336 conferences before the hearing on the merits, for such purposes as expediting the
337 disposition of the action and facilitating resolution of the case.

338 24.2.3. The hearing officer may issue rulings on discovery issues, scheduling matters,
339 protective orders, admissibility of evidence, and other procedural or pre-hearing
340 matters.

341 24.3. Ex Parte Communications.

342 24.3.1. Neither a respondent nor his or her representative shall communicate with the
343 hearing officer directly or indirectly in connection with any issue of fact or law
344 related to a proceeding pending before the Commission, except upon notice and
345 opportunity to all parties to participate.

346 24.3.2. The hearing officer may, with the consent of the parties, confer separately with
347 the parties and/or their lawyers in an effort to mediate or settle a pending matter.

348 24.3.3. This rule shall not preclude:

349 24.3.3.1. The hearing officer from consulting with Commission counsel concerning
350 any matter before the Commission; or

351 24.3.3.2. A party or his representative from conferring with the hearing officer or
352 Commission counsel concerning procedural matters that do not involve
353 issues of fact or law related to the proceeding.

354 24.4. Appearance through Counsel.

355 24.4.1. Parties may appear personally or through an attorney, except that a party must
356 personally attend any hearing on the merits unless his attendance has been waived, in
357 writing, by the hearing officer.

358 24.4.2. When a party has appeared through an attorney, service of all notices, motions,
359 orders, decisions and other papers shall thereafter be made upon the attorney, unless
360 the party requests otherwise in writing.

361 24.4.3. When a party is represented by an attorney, the attorney shall sign all motions,
362 oppositions, notices, requests, and other papers on behalf of the party, including any
363 request for issuance of subpoenas.

364 24.5. Pre-Hearing Conference/Scheduling.

365 24.5.1. The hearing officer may enter a scheduling order that sets deadlines, conferences
366 or hearings, deemed necessary or appropriate.

367 24.5.2. The hearing officer may rule on any motion without consulting the parties and
368 without granting oral argument.

369 24.6. Discovery.

370 24.6.1. Subject to the exceptions set forth below, if either party requests discovery, the
371 party opposite must disclose and permit the requesting party to inspect, copy, test,
372 and photograph upon written request and without the necessity of an order by the
373 hearing officer the following which is in the possession, custody, or control of the
374 party opposite, the existence of which is known or by the exercise of due
375 diligence may become known to the party opposite:

376 24.6.1.1. Names and addresses of all witnesses in chief proposed to be offered by
377 the party at trial, together with a copy of the contents of any statement,
378 written, recorded or otherwise preserved of each such witness and the
379 substance of any oral statement made by any such witness;

- 380 24.6.1.2. Copy of any written or recorded statement of the respondent and the
381 substance of any oral statement made by the respondent;
- 382 24.6.1.3. Copy of the criminal record of the respondent, if proposed to be used to
383 impeach;
- 384 24.6.1.4. Any reports, statements, or opinions of experts, written, recorded or
385 otherwise preserved, made in connection with the particular case and the
386 substance of any oral statement made by any such expert;
- 387 24.6.1.5. Any physical evidence and photographs relevant to the case or which may
388 be offered in evidence; and
- 389 24.6.1.6. Any exculpatory material concerning the respondent.
- 390 24.6.2. The hearing officer may limit or deny disclosure authorized herein if he or she
391 finds that there is a substantial risk to any person of physical harm, intimidation,
392 economic reprisals, or unnecessary annoyance or embarrassment, resulting from
393 such disclosure, which outweighs any usefulness of the disclosure to the
394 requesting party.
- 395 24.6.2.1. Work Product. Disclosure shall not be required of legal research or of
396 records, correspondence, reports, or memoranda which contain the
397 opinions, theories, or conclusions of either party's attorneys or members
398 of legal staff.
- 399 24.6.3. Both the commission and the respondent have a duty to timely supplement
400 discovery. If, subsequent to compliance with these rules or orders pursuant
401 thereto, a party discovers additional material or information which is subject to
402 disclosure, that party shall promptly notify the other party or the other party's
403 attorney of the existence of such additional material, and if the additional material
404 or information is discovered during a hearing, the hearing officer shall also be
405 notified.
- 406 24.6.4. The attorney receiving materials on discovery is responsible for those materials
407 and shall not distribute them to third parties.
- 408 24.6.5. Upon a showing of cause, the hearing officer may at any time order that specified
409 disclosures be restricted or deferred, or make such other order as is appropriate,
410 provided that all material and information to which a party is entitled must be
411 disclosed in time to permit the party's attorney to make beneficial use thereof.
- 412 24.6.5.1. When some parts of certain material are discoverable under these rules,
413 and other parts are not discoverable, as much of the material should be
414 disclosed as is consistent with the rules.

415 24.6.5.2. Material excised or redacted pursuant to judicial order or order of the
416 hearing officer shall be sealed and preserved in the records of the hearing
417 officer, to be made available to the circuit court in the event of an appeal.

418 24.6.5.3. In the event there are matters arguably within the scope of a party's
419 discovery request or an order for discovery, and the opposing party is of
420 the opinion that the requesting party is not entitled to discovery of same,
421 the opposing party shall, as soon as is reasonably practicable, file with the
422 hearing officer a written statement describing the nature of the information
423 or the materials at issue as fully as is reasonably possible without
424 disclosure of same and stating the grounds for objection to disclosure.
425 Subject to the limitations otherwise provided in these rules, determinations
426 such as whether the matters requested in discovery are relevant to the case,
427 exculpatory, possible instruments of impeachment, and the like, may be
428 made only by the party requesting or to receive the discovery.

429 24.6.6. Upon request of any person, the hearing officer may permit any showing of cause
430 for denial or regulation of disclosures, or portion of such showing, to be made in
431 camera. A record shall be made of such proceedings. If the hearing officer enters
432 an order granting relief following a hearing in camera, the entire record of such
433 hearing shall be sealed and preserved in the records of the hearing officer, to be
434 made available to the circuit court in the event of an appeal.

435 24.6.7. If at any time prior to a hearing on the merits it is brought to the attention of the
436 hearing officer that a party has failed to comply with an applicable discovery rule
437 or an order issued pursuant thereto, the hearing officer may order such party to
438 permit the discovery of material and information not previously disclosed, grant a
439 continuance, or enter such other order as he or she deems just under the
440 circumstances.

441 24.6.7.1. If during the course of a hearing on the merits, either party attempts to
442 introduce evidence which has not been timely disclosed to the opposing
443 party as required by these rules, and the opposing party objects to the
444 introduction for that reason, the hearing officer shall act as follows:

445 24.6.7.1.1. Grant the opposing party a reasonable opportunity to interview the
446 newly discovered witness, to examine the newly produced documents,
447 photographs or other evidence; and

448 24.6.7.1.2. If, after such opportunity, the opposing party claims unfair surprise or
449 undue prejudice and seeks a continuance or mistrial, the hearing
450 officer shall, in the interest of justice and absent unusual
451 circumstances, exclude the evidence or grant a continuance for a
452 period of time reasonably necessary for the opposing party to meet the
453 non-disclosed evidence.

454 24.6.7.1.3. The hearing officer shall not be required to grant a continuance for
455 such a discovery violation if the party attempting to introduce such
456 evidence withdraws its efforts to introduce the evidence.

457 24.6.8. Willful violation by an attorney or party of an applicable discovery rule or an
458 order issued pursuant thereto may subject the attorney or party to appropriate
459 sanctions by the hearing officer.

460 24.7. Subpoenas.

461 24.7.1. Pursuant to the commission's authority granted in Section 25-4-19, Miss. Code of
462 1972, the hearing officer shall issue subpoenas, including subpoenas duces tecum,
463 upon the request of a party, in accordance with these rules.

464 24.7.2. Subpoenas may be issued only for the following purposes:

465 24.7.2.1. To compel a non-party witness to appear and give oral testimony at any
466 hearing scheduled under these regulations; or

467 24.7.2.2. To compel any person to appear at the hearing on the merits of the case, to
468 give testimony, or to produce documents or other tangible things.

469 24.7.3. Subpoenas shall be submitted to the hearing officer for issuance on a form
470 approved by the Commission. Concurrently with the submission of the subpoena
471 to the hearing officer, the requesting party shall serve a copy on all of the parties to
472 the proceeding and shall file proof of such service with the hearing officer. All
473 subpoenas issued shall be filed with the commission.

474 24.7.4. Subpoenas shall not be issued in blank. A subpoena submitted for issuance must
475 contain the title and number of the case, the name of the person to whom it will be
476 directed, the date, time and place of hearing or deposition, and the name and
477 signature of the requesting party or his attorney. A subpoena duces tecum must, in
478 addition, contain a complete description of specific documents or other tangible
479 things that the witness will be required to produce at the hearing.

480 24.7.5. Unless the witness agrees otherwise, a subpoena issued for the purposes provided
481 by Rule 20.6.2.2 must be served by the requesting party at least ten (10) calendar
482 days prior to the hearing. A subpoena will be issued during the hearing or on less
483 than ten (10) days notice only upon order of the hearing officer for reasonable
484 cause shown by the requesting party. Proof of service shall be filed with the
485 commission.

486 24.8. Protective Orders.

487 24.8.1. Pursuant to the commission's authority granted in Section 25-4-19, upon motion
488 by a party or by a person to whom a subpoena is directed, or from whom
489 documents or testimony is sought, the hearing officer may enter a protective order
490 quashing or modifying the subpoena for good cause shown.

- 491 24.9. Motions.
- 492 24.9.1. All motions shall be in writing, unless made during a hearing.
- 493 24.9.2. A motion shall state with particularity the grounds therefore, shall be supported by
- 494 a memorandum of authorities, and shall set forth the relief or order sought.
- 495 24.9.3. Every written motion shall be filed with the hearing officer and served by the
- 496 moving party upon the opposing party or as the hearing officer directs.
- 497 24.9.4. An opposing party shall have ten (10) calendar days after service of the motion
- 498 within which to file and serve a memorandum of authorities in opposition to the
- 499 motion.
- 500 24.9.5. The moving party shall have five (5) calendar days after service of the opposing
- 501 memorandum to serve and file a reply memorandum of authorities if he so desires.
- 502 24.9.6. If a motion or opposition is served by mail, three (3) calendar days shall be added
- 503 to the time periods specified herein for response.
- 504 24.9.7. The failure of a moving party to file a memorandum of authorities in support of a
- 505 motion shall constitute consent to the denial of the motion. The failure of an
- 506 opposing party to file a memorandum of points and authorities in opposition to any
- 507 motion shall constitute consent to the granting of the motion.

508 25. Hearing Phase

- 509 25.1. Conduct of Hearings.
- 510 25.1.1. Pursuant to Section 25-4-107, Miss. Code of 1972, hearings shall be conducted
- 511 according to the Mississippi Rules of Civil Procedure and the Mississippi Rules of
- 512 Evidence. The Mississippi Rules of Civil Procedure applicable to these hearings
- 513 are Rules 42, 43, 50, 52 and 53. Other Mississippi Rules of Civil Procedure do not
- 514 apply to these hearings.
- 515 25.1.2. The following procedures will apply when appropriate:
- 516 25.1.2.1. The respondent will be allowed to present and argue any legal objections
- 517 to the complaint set forth in the answer; the commission staff may
- 518 thereupon present its answering argument; and thereafter the respondent
- 519 may present rebuttal argument. The matter will then be submitted to the
- 520 hearing officer for decision. The hearing officer may rule upon such
- 521 objections immediately or take the matter under advisement and proceed
- 522 with the hearing.
- 523 25.1.2.2. The commission staff will present its opening statement on the merits. The
- 524 respondent will then be permitted to make an opening statement of the

525 defense, or he may reserve the same until commencement of the
526 presentation of the defense.

527 25.1.2.3. The commission staff will then present its case in chief in support of the
528 complaint.

529 25.1.2.4. Upon conclusion of the commission staff's case in chief, the respondent
530 may move for dismissal of the complaint. The hearing officer may hear
531 arguments on the motion, or may grant, deny, or reserve decision thereon,
532 with or without argument.

533 25.1.2.5. If no motion to dismiss is made, or if such motion is denied or decision
534 reserved thereon, the respondent shall thereupon present the case for the
535 defense.

536 25.1.2.6. Upon conclusion of the respondent's case, the commission staff may
537 present its case in rebuttal.

538 25.1.2.7. Upon conclusion of the commission staff's case in rebuttal, the
539 commission staff shall present its closing argument, the respondent may
540 present answering argument, and thereafter the commission staff may
541 present rebuttal argument. Thereupon the matter will stand submitted for
542 decision.

543 25.1.2.8. The hearing officer may ask questions of witnesses, and may request or
544 allow additional evidence at any time, including additional rebuttal
545 evidence.

546 25.2. Failure or Refusal to Testify.

547 25.2.1. If a respondent fails to testify in his own behalf or asserts a claim of privilege with
548 respect to any question propounded to him, the hearing officer may infer therefrom
549 that such testimony or answer would have been adverse to his case.

550 25.2.2. If any person controlling, controlled by, or under common control with, or
551 employed by, or an agent of, a respondent fails to respond to a subpoena, or asserts
552 a claim of privilege with respect to any question propounded to him, the hearing
553 officer may, taking into account all of the circumstances, infer that such testimony
554 would have been adverse to the respondent.

555 25.3. Continuances shall not be granted by the hearing officer except for good cause
556 shown.

557 25.4. Defaults. Failure of a respondent to appear personally at a hearing on the merits
558 without having obtained a waiver of appearance, shall constitute an admission of all
559 matters and facts alleged against such respondent, and shall be deemed a waiver of
560 the right to an evidentiary hearing. In such cases the hearing officer may take action

561 based upon such admission or upon any other evidence, including affidavits, and
562 without any further notices whatever to the respondent.

563 25.5. Recommendation of the Hearing Officer and Decision of the Commission. All
564 findings of fact made by the hearing officer shall be based upon clear and convincing
565 evidence. The hearing officer shall reduce his recommendations to writing and
566 submit those recommendations to the Commission. The hearing officer shall include
567 written recommendations regarding penalties, if any. The hearing officer shall appear
568 before the Commission upon request to participate in deliberation required to render a
569 decision on the merits. The Commission can enter a final order dismissing the case,
570 modifying the report and recommendation, or adopting the report and
571 recommendation, or the Commission can enter an order remanding the case for
572 further hearing.

573 26. Post-hearing phase

574 26.1. After conclusion of the hearing, the commission or any hearing officer appointed
575 hereunder shall reduce its decision to writing and forward a certified copy thereof to
576 the last known address of the respondent, the complainant and the executive director
577 by way of United States first-class, certified mail, postage paid.

578 26.2. The cost of the preparation of the record of the proceedings for purpose of an appeal
579 from a decision of the Ethics Commission shall be assessed to and prepaid by the
580 party filing the notice of appeal in accordance with the Uniform Rules of Circuit and
581 County Court. Such cost shall be paid upon filing the notice of appeal pursuant to
582 Rules 5.04 and 5.09 of the Uniform Rules of Circuit and County Court.

583 **CHAPTER 7: Written Opinions of the Executive Director**

584 **Purpose/Scope**

585 The following rules and regulations are established by the Commission pursuant to Section 4,
586 Senate Bill No. 2983, enacted during the 2008 Regular Session of the Mississippi Legislature,
587 and codified in Section 25-4-17, Miss. Code of 1972, to authorize the executive director to issue
588 written opinions in regard to any standards of conduct set forth in Article 3, Chapter 4, Title 25,
589 Miss. Code of 1972.

590 **Rules**

591 27. As set forth in Section 25-4-17, Miss. Code of 1972, any written opinion of the executive
592 director shall be based upon prior opinions issued by the commission or reported court
593 decisions of Mississippi courts, are not binding on the commission, shall not be published,
594 and shall be ratified or rejected by the commission at the next subsequent meeting of the
595 commission.

596 27.1. If the commission ratifies the opinion, the requestor shall not be liable for funds
597 described in the request for opinion, and the requestor shall enjoy the immunity from
598 liability set forth elsewhere in Section 25-4-17.

- 599 27.2. If the commission rejects the opinion, the requestor shall not be liable for funds
600 described in the request for opinion that are paid before receipt of notice that the
601 opinion had been rejected by the commission.
- 602 28. The executive director is hereby authorized to issue written opinions as set forth in Section
603 25-4-17, Miss. Code of 1972, and in these rules.
- 604 28.1. The executive director may issue written opinions, in his discretion, when the
605 circumstances presented by the requestor are such that awaiting an opinion by the
606 commission (a) would impose an undue inconvenience upon the requestor or (b)
607 could result in a violation of law.
- 608 28.2. The executive director may not issue written opinions regarding past action.
- 609 28.3. Any request for a written opinion of the executive director must be submitted in
610 writing in a manner which satisfies the executive director that the person submitting
611 the request is in fact the same person he or she purports to be and that the person
612 submitting the request is seeking advice on his or her own behalf or on behalf of
613 another person with that other person's permission.
- 614 28.4. A request for a written opinion of the executive director may only be submitted by or
615 on behalf of a "public servant," as defined in Section 25-4-103, Miss. Code of 1972,
616 someone who may be a public servant or someone who is considering candidacy,
617 appointment or employment as a public servant.
- 618 28.5. Within ninety-six hours of ratification or rejection of the opinion of the executive
619 director, the commission's staff shall transmit written notification to the requestor
620 regarding the nature of the commission's action on the opinion.
- 621 28.6. The commission's staff shall keep a complete, indexed record of all opinions issued
622 by the executive director.