

City of Detroit Board of Ethics

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Department Directors, Heads of All Boards and Commissions

FROM: Reginald M. Turner, Jr.
Chairperson, Board of Ethics

SUBJECT: 4th Annual Report of the Board of Ethics

DATE: May 18, 2005

The Third Annual Report of the Board of Ethics was submitted on July 27, 2004 and reported on activities of the Board from September 30, 2003 to May 30, 2004. This Fourth Annual Report covers Board activities from May 31, 2004 to April 30, 2005. In accordance with Section 2-6-97 of the Ethics Ordinance, this Report contains:

- 1) An analysis of Board activities, including the number of Advisory Opinions requested and issued, and the number of Complaints filed and their disposition;

- 2) A compilation of Advisory Opinions issued; and
- 3) Recommendations, if any, for improvement of the disclosure requirements and standards of conduct found in the Ethics Ordinance, and for improvement of the administration and enforcement of the Ordinance.

Board Activities

During the period of this Report, the Board met nearly every month and disposed of all matters presented, including 3 Requests for Advisory Opinions and thirty (30) Complaints.

Request for Advisory Opinion # 2004 - 01 interpreted the application of Section 2-6-67 of the Ethics Ordinance, titled “Self-Interested Regulation Prohibited” and Section 2-6-68 titled “Improper use of Official Position Prohibited.” A synopsis appears below.

Request for Advisory Opinion # 2004 - 02 interpreted the application of the Ethics Ordinance to a Legal Entity as defined in Section 2-6-3 of the Ethics Ordinance titled Definition of “Public Servant.” A synopsis appears below.

Request for Advisory Opinion # 2004 - 03 concerned conduct which was not within the jurisdiction of the Ethics Ordinance and the Board was without authority to address the issue submitted.

Complaint # 2004 - 02, alleged that a public servant improperly received funds from a City Contractor and failed to disclose the existence of their relationship. The complaint was based upon an alleged violation of the Disclosure Requirements as contained in the Ethics Ordinance at Section 2-6-32 “Interest In City Contracts”, Section 2-6-61 “Engaging in Official Duties for Private Gain” and Section 2-6-68 “Improper Use of Official Position”. After review and investigation, the Board concluded that the complaint was untimely and therefore dismissed pursuant to Section 2-6-111(c) and Section 2-6-114 (a) of the Ethics Ordinance.

Complaint # 2004 - 03, alleged that a public servant improperly used City resources by producing advertising in the form of a calendar at City expense for personal and political gain. The complaint was based upon an alleged violation of the Disclosure Requirements as contained in the Ethics Ordinance at Section 2-6-32 “Interest In City Contracts”, Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-64 “Use of City Resources for Commercial Gain” and Section 2-6-68 “Improper Use of Official Position”. After review and investigation, the Board concluded that the complaint was untimely and therefore dismissed pursuant to Section 2-6-111 (c) and Section 2-6-114 (a) of the Ethics Ordinance.

Complaint # 2004 - 04, alleged that a public servant improperly assisted a relative who was a

candidate for elective office. The alleged conduct involved using outreach workers to promote the candidacy under the guise of assisting voters with completion of absentee ballots thereby also violating state election laws. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-65 “Incompatible Employment or Rendering of Services” and Section 2-6-68 “Improper Use Of Official Position”. After review and consideration, the Board concluded that the public servant had not violated the Ethics Ordinance and the complaint was dismissed pursuant to Section 2-6-115(b)(1)(ii).

Complaint # 2004 - 05, alleged that a public servant improperly received funds and other items of value from a City contractor in exchange for a vote of approval on a City contract. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-62 “Use of Confidential Information for Private Gain” and Section 2-6-68 “Improper Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 06, alleged that a public servant improperly solicited funds from a City contractor whose company was awaiting contract approval and upon which the public servant later voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain” and Section 2-6-68 “Improper Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 07, alleged that a public servant improperly received funds from a City contractor whose company was awaiting contract approval and upon which the public servant voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-62 “Use of Confidential Information for Private Gain” and Section 2-6-68 “Improper Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 08, alleged that a public servant improperly received funds from a City Contractor whose company was awaiting contract approval and upon which the public servant voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at 2-6-61 “Engaging In Official Duties for Private Gain,” and Section 2-6-68 “Improper Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 09, alleged that a public servant improperly requested funds from a City Contractor whose company had submitted a bid to provide services, which the public servant voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-62 “Use of Confidential Information for Private Gain” and Section 2-6-68 “Improper

Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 10, alleged that a public servant improperly requested funds from a City Contractor whose company was awaiting contract approval and upon which the public servant later voted for approval. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-62 “Use of Confidential Information for Private Gain” and Section 2-6-68 “Improper Use of Official Position”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 11, alleged that a public servant improperly disclosed confidential information by reporting on the status of a pending contract to a City Contractor and later casting a vote to approve the contract. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-62 “Use of Confidential Information for Private Gain”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 12, alleged that a public servant improperly requested funds from a City Contractor whose company had submitted a bid to provide services to the City of Detroit upon which the public servant later voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-68 “Improper Use of Official Position” and a violation of the Disclosure Requirements at Section 2-6-32 “Interest In City Contracts”. During the process of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 13, alleged that a public servant improperly accepted funds from a City Contractor whose company was awaiting approval of a contract upon which the public servant would later vote to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-62 “Use of Confidential Information for Private Gain”, Section 2-6-68 “Improper Use of Official Position” and violation of the Disclosure Requirements at Section 2-6-32 “Interest In City Contracts”. During the period of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 14, alleged that a public servant improperly accepted funds from a City Contractor whose company was awaiting approval of a contract upon which the public servant would later vote to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-68 “Improper Use Of Official Position”. During the period of the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 15, alleged that a public servant improperly accepted funds from a City Contractor whose company had submitted a bid to provide services to the City of Detroit and

upon which the public servant later voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-68 “Improper Use of Official Position”. During the Board’s review and consideration the public servant died and the complaint was dismissed.

Complaint # 2004 - 16, alleged that a public servant improperly requested funds from a City Contractor whose company was seeking additional contracts from the City of Detroit which the public servant later voted to approve. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-68 “ Improper Use of Official Position”. During the Board’s review and consideration the public servant died and the complaint was dismissed.

It is noted that Complaints # 2004 - 02 through # 2004 - 16 all involved the same public servant.

Complaint # 2004 - 17, alleged that a public servant used public office for the private gain of another individual by a mailing that solicited the support of an event in honor of the individual. The alleged conduct also included the improper use of City resources in the mailing regarding the individual and the event. The complaint was based upon an alleged violation of the Standards of Conduct contained in the Ethics Ordinance at Section 2-6-66 “ Representation of Private Entity Prohibited”. The Board also considered the application of Section 2-6-61 “Engaging In Official Duties for Private Gain”, Section 2-6-64 “Use of City Resources for Commercial Gain”, Section 2-6-68 “ Improper Use Of Official Position”, Section 2-6-1 Statement of Purpose and the City Charter Section 2-106 regarding the “appearance of impropriety”. After review and consideration, the Board concluded that the public servant had not violated the Charter provision or the Ethics Ordinance and the complaint was dismissed pursuant to Section 2-6-115 (b)(1)(ii). It was recommended that the City entity of which the public servant was a member consider developing policies for its members regarding the use of City resources for the purpose of lending support to a member’s individual endorsement of charitable activities.

Complaints # 2005 - 01 and # 2005 - 02, (both Complaints were filed by the same complainant), alleged that a public servant improperly used their official position in the approval and use of taxpayer funds for the payment of two individuals who were not entitled to payment. It was claimed that the payments were fraudulent and therefore criminal acts. The complaint was based upon an alleged violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that these matters should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that in the event a criminal conviction occurs the Complaints may be re-filed for reconsideration by Board.

Complaint # 2005 - 03, alleged that a public servant improperly issued a parking ticket. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and investigation (the named public servant was no longer employed by the City of Detroit), the Board concluded pursuant to Section 2-6-115

(b)(1)(i) of the Ethics Ordinance that this matter should be dismissed because it did not have jurisdiction.

Complaint # 2005 - 04, alleged that a public servant embezzled funds from the City of Detroit by accepting wages for incompetence. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board concluded pursuant to Section 2-6-115 (b)(1)(i) of the Ethics Ordinance that this matter should be dismissed because it did not have jurisdiction.

Complaint # 2005 - 05, alleged that a public servant improperly approved payment to an individual for services that did not benefit the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 06, alleged that a public servant embezzled funds by using City of Detroit funds to pay individuals for services unrelated to the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-61 “Engaging in Official Position for Private Gain”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 07, alleged that a public servant committed fraud by approving payment to an individual for services that did not benefit the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 08, alleged that a public servant embezzled funds from the City of Detroit by paying individuals when no services were performed for the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 09, alleged that a public servant improperly approved payment to an individual for services that did not benefit the City of Detroit. The complaint alleged a violation

of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 10, alleged that a public servant embezzled funds by using City of Detroit revenue to pay individuals for services which were not performed for the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 11, alleged that a public servant committed fraud by approving payment to an individual for services unnecessary to the City of Detroit. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 12, alleged that a public servant committed fraud, larceny, malfeasance and misappropriation of taxpayer funds by approving payment to an individual from their office budget. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 13, alleged that a public servant committed fraud, larceny, malfeasance and misappropriation of taxpayer funds by approving payment to an individual from their office budget. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal conviction occurs the complaint may be re-filed for reconsideration by the Board.

Complaint # 2005 - 14, alleged that a public servant committed fraud, larceny, malfeasance and misappropriation of taxpayer funds by approving payment to an individual from their office budget. The complaint alleged a violation of the Standards of Conduct with respect to Section 2-6-68 “Improper Use of Official Position”. After review and consideration, the Board determined pursuant to Section 2-6-115 (b)(4) of the Ethics Ordinance that this matter should be dismissed and referred to the appropriate governmental agencies for review. The Board noted that if a criminal

conviction occurs the complaint may be re-filed for reconsideration by the Board.

It is noted that Complaints # 2005 - 01, # 2005 - 02 and # 2005 - 04 through # 2005 - 14 all involved the same public servant.

The Board completed the process of establishing an independent office which is now fully operational. At its permanent location, staff is able to meet and assist members of the public or other city employees who request information regarding the Board or assist in the completion of forms. The office is located in the First National Building, Suite 1537. During the past year the Board revised its forms for publication on the web page and completed the review and enactment of Administrative Rules and Procedures for the processing of Complaints and Requests for Advisory Opinions. The Board's web page was also finalized and posted. Copies of the Ethics Ordinance and Board approved forms are now accessible on line.

The Executive Director made presentations to various City Departments as requested. Such presentations were made in an effort to increase employee awareness of the Ordinance and its requirements. The new employee orientation program that is conducted by the Human Resources Department, includes information developed by the Director regarding the Charter Provision and the Ethics Ordinance. The Director participates in the orientation and provides an overview of the Ordinance and the Standards of Conduct. Staff has started the process of assembling material for the development of a planned informational brochure for general dissemination, in addition to a publication specifically for public servants. The Board received periodic informal inquiries to which the Executive Director responded to with the approval of the Board. The Board also received and responded to media inquiries. In the upcoming year, the Board hopes to increase public awareness of the Ordinance by presentations to community groups and organizations when requested. The possibility of developing a video presentation is also under consideration. In its Second and Third Annual Reports, the Board proposed 3 Amendments to the Ethics Ordinance. As a part of the review process a committee was created this year by the City Council under the direction of the Law Department. The Executive Director participated in numerous meetings regarding proposed amendments as an ad hoc member of the group.

Compilation of Advisory Opinions

Advisory Opinion Request # 2004 - 01 held as follows:

There is no potential conflict of interest where 2 members of the Wrecking Board are licensed wrecking contractors. The Wrecking Board is an advisory board, and the members in question do not constitute a sufficient number to control Wrecking Board decisions. Such members of the Wrecking Board do not *per se* violate either Section 2-6-67 or Section 2-6-68 of the Ethics Ordinance. However they must refrain from participating in decisions, even those of an advisory nature, with respect to the licensing of applicants who are employees of companies in which the Wrecking Board members, or members of their immediate families, have an ownership interest.

Advisory Opinion Request # 2004 - 02 held as follows:

Consistent with the Statement of Purpose in Section 2-6-1 of the Ethics Ordinance, which is addressed to the conduct of *public servants* of the City of Detroit, and with the definition of “public servant” in Section 2-6-3 of the Ethics Ordinance, the Board of Ethics is unable to address the conduct of a corporate entity which is not an appointee, employee, or an individual who provides services to the City pursuant to a public services contract. The Board noted that, even though the entity which provides contractual services to the City is not covered under the Ethics Ordinance, the attorneys who are employed by the entity are subject to the Michigan Rules of Professional Conduct. These Rules include provisions regarding “Maintaining the Confidentiality of Information” and “Conflict of Interests.”

Recommendations for Improvements in the Ethics Ordinance

The Board has no additional recommendations at this time for improvements to the Ethics Ordinance. In its Second and Third Annual Report’s the Board recommended 3 changes to the Ordinance which have not been acted upon. The Board is willing to provide clarification and/or additional information regarding its proposed amendments in order to further assist the Council with its review of the proposals.

Finally, it should be noted that there currently exists one vacancy on the Board. It is respectfully requested that the vacancy be filled as soon as possible.

The Board will be pleased to provide any further information and to respond to any questions about its fourth year of operation. Thank you.

cc: Municipal Reference Library

PROPOSED AMENDMENT TO SECTION 2-6-66

Amend Subsection (A) of Section 2-6-66, “Representation of private entity prohibited,” to limit the prohibition to persons who are public servants only by virtue of service in a position in which they receive compensation from the City. A person who is a public servant only because of service as an unpaid member of a board, agency, commission or other entity would not be prohibited from receiving compensation for representing another person or entity in any matter that is pending before a City agency, but would remain subject to other provisions of the Ordinance.

Sec. 2-6-66. Representation of private entity prohibited.

(a) A public servant who receives compensation from the City in his or her capacity as a public servant shall not act, for compensation by any person other than the city, as an agent, attorney, or representative for another person, business or organization in any matter that is pending before a city agency.

(b) A public servant may represent another person, business, or organization before a city agency where such representation is a required part of the public servant's official duties.

PROPOSED AMENDMENT TO SECTION 2-6-101

Currently a public servant may request an advisory opinion about his or her own conduct, or about the conduct of another public servant, which has occurred or which may occur. The Board is concerned that, where the request concerns the conduct of another public servant which has occurred, the advisory opinion will impact upon the other public servant with no opportunity for that person to participate in the process. Rather than incorporate the due process opportunities from the complaint process into the advisory opinion process, the Board recommends limiting a request for an advisory opinion to a public servant's own conduct, past, continuing, or prospective. Concerns about the conduct of another public servant may be addressed through the complaint process in which the public servant whose conduct is questioned may participate.

Sec. 2-6-101. Opinion request.

(a) A public servant, a former public servant, or an applicant or candidate to be a public servant may request an advisory opinion from the board of ethics regarding the following:

(1) The application a) of the disclosure requirements that are found in Division II of this article, or b) of the standards of conduct that are found in Division III or this article, to particular facts and circumstances; and

(2) Where a public servant, a former public servant, or an applicant or candidate to be a public servant believes that he or she, ~~or another public servant, former public servant, or applicant or candidate to be a public servant~~ may have violated, may currently be violating, or may violate this article, whether an actual violation may have occurred, a violation may be continuing, or a potential violation may occur.

(b) A request for an advisory opinion shall be addressed to the board of ethics, shall be submitted in writing, shall set forth the facts and circumstances upon which the opinion is sought, and shall be signed by the person who is making the request.

**PROPOSED AMENDMENT TO CONFORM ETHICS
ORDINANCE TO 1997 DETROIT CITY CHARTER**

Section 2-106 of the 1997 Detroit City Charter, in pertinent part, provides that: AThe Board of Ethics shall be authorized by ordinance to conduct investigations on its own initiative . . .@ The only investigations that the Board may undertake are with respect to the Complaint process under Subdivision C of the Ethics Ordinance. In its current form, Subdivision C makes no provision for the Board to conduct investigations on its own initiative, but limits the Board to investigating Complaints filed by any person except for members of the Board. The proposed amendments to Sections 2-6-91 and 2-6-111 would conform the Ethics Ordinance to Section 2-106 of the Charter.

Sec. 2-6-91. Charter independence; duties; promulgation of rules.

(a) The City of Detroit Board of Ethics is an independent body that was created by section 2-106 (2) of the 1997 Detroit City Charter for the following purposes:

(1) To render advisory opinions regarding the meaning and application of provisions of the 1997 Detroit City Charter, this article, and other laws or regulations which pertain to disclosure requirements and standards of conduct for public servants;

(2) To conduct investigations on its own initiative, or based upon a complaint, in order to ensure the integrity of city government, through the subpoenaing of witnesses, the administering of oaths, the taking of testimony, compulsion of the production of relevant evidence, and, when necessary, the appointment of independent counsel; and

(3) To recommend a) improvements in the disclosure requirements that are found in Division II of this article, and the standards of conduct that are found in Division III of this article, and b) improvements in the administration and enforcement thereof, in order to promote an ethical environment within city government, and to ensure the ethical behavior of public servants.

(b) In accordance with section 2-111 of the 1997 Detroit City Charter, the board of ethics shall promulgate administrative rules to perform its duties as set forth in the 1997 Detroit City Charter and this article.

Sec. 2-6-111. Complaint; contents thereof; limitation of action.

(a) Except for members of the board of ethics, any person may file a complaint with the board of ethics where the person believes that a public servant may have violated this article.

(b) A complaint shall be made in writing on a form that is prepared by the law department and prescribed by the board of ethics, shall specify the provision(s) of this article alleged to have been violated and the facts alleged to constitute the violation, and shall be signed by the

person who is making the complaint and sworn to in the presence of a notary public. Where, as a result of an investigation conducted on the Board=s own initiative, there is reasonable cause to believe that a violation of this Article may have occurred, the Board may direct that a complaint be filed in the name of the Board.

(c) Such a complaint shall be filed within six (6) months from the date that the complainant(s) knew or should have known of the action that is alleged to be a violation of this article, and in no event shall the board of ethics consider a complaint which has been filed more than two (2) years after a violation of this article is alleged to have occurred.