Louisville-Jefferson County Metro Government

# CHAPTER 21: ETHICS CODE

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## GENERAL PROVISIONS

### § 21.01 DEFINITIONS.

As used in this subchapter, the following terms shall have their given definition.

***APPOINTING AUTHORITY.*** The Metro Mayor, or any of his or her designated subordinates, who appoint the non-elected Metro Officers covered under this subchapter.

***BUSINESS ORGANIZATION.*** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any other legal entity through which business is conducted for profit.

***COMMITTED RELATIONSHIP.*** A relationship between domestic partners sharing

household and/or income and expenses for a significant share of each other's common welfare, familial obligations, and benefit including different- and same-gender relationships.

***DOMESTIC PARTNER.*** An adult in a committed relationship with another adult, which includes both different- and same-gender relationships.

***ELECTIONEERING.*** Activity intended to solicit votes or persuade voters to vote for a particular candidate or party.

***FAMILY MEMBER.*** An individual with any of the following relationships to the Metro Officer:

1. Spouse or domestic partner;

2. The parents of the Metro Officer or a spouse or domestic partner;

3. Sons and daughters, and their spouses or domestic partners;

4. Immediate relatives and their spouses or domestic partners; and

5. Any individual related by kinship, or whose close association with the Metro Officer is the equivalent of a familial relationship, including but not limited to individuals: living in the Metro Officer's household, or is a person claimed by a Metro Officer or a Metro Officer's spouse or domestic partner as a dependent for tax purposes.

***IMMEDIATE RELATIVE.*** Any individual related by kinship, which includes, but is not limited to: grandparents, great-grandparents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, parents of grandchildren and spouses or domestic partners thereof.

***INTEREST.*** The ownership or control of more than 5% of the profits, assets, or stock of a business, or holding a position as a principal of any nonprofit entity including, but not limited to, a labor organization.

***KINSHIP.*** Relationship by blood, marriage, civil union, or adoption.

***METRO OFFICER.*** For the purpose of this subchapter, the following persons shall be defined as a Metro Officer:

(1) Any person elected or appointed to the office of:

(a) Metro Mayor;

(b) Metro Council member;

(c) County Attorney;

(d) Sheriff;

(e) County Clerk;

(f) Surveyor;

(g) Constable; or

(h) Coroner.

(2) Any person appointed as:

(a) Deputy Mayor;

(b) Cabinet Secretary;

(c) Chief Deputy;

(d) Chief Administrative Officer;

(e) Chief of Operations;

(f) Agency Director;

(g) Any Housing Authority Officer;

(h) Department Director for Metro Government;

(i) A legislative assistant to a Metro Council member;

(j) A Metro Council Caucus staff member and all staff members that report to either or both Caucuses of the Louisville Metro Council;

(k) Any position as determined by a person identified in subsection (1) of this definition that has the authority to enter into contracts over $10,000 in value or make purchases of goods or services over $10,000 in value; or

(l) Any person nominated or appointed by the Metro Mayor or the Metro Council to a Metro Agency who has regulatory authority or has independent authority to expend public funds.

***PARENT.*** An individual who is or was the biological, adoptive, step or foster legal guardian of another person, or stood *in loco parentis*.

***SON OR DAUGHTER.*** An individual who is or was the biological, adoptive, step or foster child of another person, or a person who is or was a legal ward of another person when that individual was a minor or required a legal guardian.

***SPOUSE.*** An individual who is united in a matrimonial relationship with another individual as is legally recognized and solemnized under the law.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 228-2003, approved 12-19-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010; Lou. Metro Am. Ord. No. 238-2013, approved 12-23-2013; Lou. Metro Am. Ord. No. 247-2013, approved 1-6-2014)

**§ 21.02 STANDARDS OF CONDUCT.**

In furtherance of the public trust assumed by Metro Officers upon their election or appointment to public office or employment, the following standards of conduct shall be applicable:

(A) No Metro Officer or member of his or her family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of such officer's duties in the public interest.

(B) No Metro Officer shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself, members of his or her family or other persons.

(C) No Metro Officer shall act in his or her official capacity in any matter where such officer,

a member of his or her family, or a business organization in which such officer has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgement.

(D) No Metro Officer shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice such officer's independence of judgement in the exercise of his or her official duties.

(E) No Metro Officer, members of his or her family, or business organization, nonprofit entity, or labor organization in which such officer has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, economic opportunity, promise of future employment, or other thing of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered:

(1) For the purpose of influencing such officer, directly or indirectly, in the discharge of his/her official duties; or

(2) For the purpose of gaining access to the Metro Officer.

(3) Nothing herein shall be construed to apply to the solicitation or acceptance of contributions to the campaign of announced candidate for elective public office as governed by applicable provisions of the Kentucky Revised Statutes.

(F) No Metro Officer, however, shall be prohibited from giving or receiving:

(1) An award publicly presented in recognition of public service;

(2) Commercially reasonable loans made in the ordinary course of the lender's business; or

(3) Reasonable hosting, including entertainment, meals or refreshments furnished in connection with public events, appearances, or ceremonies.

(G) No Metro Officer authorized and qualified to solemnize a marriage shall be prohibited from accepting a gratuity for performing such ceremony.

(H) No Metro Officer shall use, or allow to be used, his/her public office, or any information, not generally available to the members of the public, which such officer receives or acquires in the course and by reason of his or her office, for the purpose of securing financial gain for himself or herself, any member of his or her family, or any business organization with which such officer is associated.

(I) No Metro Officer or business organization in which such officer has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any county agency.

(J) No Metro Officer shall be deemed in conflict with these provisions if, by reason of such officer's participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no material or monetary gain accrues to such officer as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(K) No Metro officer shall be deemed in conflict with the provisions of this Ethics Code, if by reason of such officer's participation in the enactment of any ordinance, resolution, or other matter required to be voted upon, material or monetary gain is conferred upon a non-profit or

charitable organization with which the Metro Officer or a member of his or her family is in any way associated if the Metro Officer has disclosed said association to the Ethics Commission through his or her annual report or a supplementary report or if the Metro officer discloses said association with the clerk or secretary of the voting body prior to casting such vote.

(L) No Metro Officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a citizen or constituent if no fee, reward or other thing of value is promised to, given to, or accepted by, the officer or a member of his or her family, whether directly or indirectly, in return therefor.

(M) Nothing in these standards of conduct shall prohibit any Metro Officer, or members of his or her family, from representing himself or herself, or themselves, in negotiations or proceedings concerning his or her, or their, own interests.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010) Penalty, see § 21.99

**§ 21.03 FINANCIAL DISCLOSURE.**

(A) Metro Officers shall be required to file with the Louisville/Jefferson County Metro Ethics Commission (the Ethics Commission) a financial disclosure statement on a form provided by the Ethics Commission and signed under oath by the filer. The financial disclosure statement shall include all of the following information:

(1) Name of filer;

(2) Current business address, business telephone number and home address of filer;

(3) Title of filer's public office or elected office sought;

(4) Occupations of filer and spouse;

(5) The name, address, and telephone number of each business organization doing business with the Louisville/Jefferson County Metro Government, or any Metro Agency, or any Metro Officer, in which the filer or any member of the filer's family has:

(a) An interest of $10,000 at fair market value or 5% ownership interest or more; or

(b) Received compensation in excess of $5,000 during the preceding calendar year. If the interest is the ownership of publicly traded securities, or publicly traded securities are the source of income, the interest need not be reported unless the officer or family member owns 5% or more of the total value of such publicly traded securities.

(6) The location and zoning designation of all real property within Jefferson County, other than the filer's primary residence, in which the filer or any members of the filer's family had an interest of $10,000 or more during the preceding calendar year and which is the subject of any condemnation proceeding, any regulatory or enforcement proceeding before the Metro Planning Commission, or any proceeding before any other administrative body or court of law wherein the Louisville/Jefferson County Metro Government or any Metro Agency or Metro Officer is an interested party.

(B) (1) The financial disclosure statement shall be filed annually by Metro Officers no later than April of each year. Newly appointed Metro Officers shall be required to file their initial statement no later than 21 days after the date of appointment. Any material change in the information required by subsections (A)(5) or (A)(6) such as to cause previously submitted

information to no longer be accurate or complete, shall be reported in writing to the Ethics Commission within ten business days after the affected Metro Officer knows or reasonably should know of that circumstance.

(2) The term "material change" under subsection (B)(1) shall include any gift, loan, gratuity, discount, favor, service or economic opportunity of significant value or having an aggregate value of $25 or more which the Metro Officer believes in good faith to be exempt from the application of § 21.02(B).

(C) When any Metro Officer, or any member of his or her family, shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within his or her office, or any Metro Agency, the Metro Officer shall disclose such private interest to the Ethics Commission, the governing body of the affected Metro Agency and, if the contract or matter requires formal action by the Metro Council, to the Metro Council.

(D) Any member of the Metro Council, or the County Attorney, as well as any Metro Officer who derives his or her authority from the Metro Council or from the County Attorney, or a member of any such person's family, who has a private interest in any matter pending before the Metro Council shall disclose such private interest on the records of the Metro Council and shall disqualify himself or herself from participating in any debate, vote, or proceeding whatsoever relating thereto. Any matter pertaining to a Metro Officer's budget or the operation of such officer's office, agency or department, including a Metro Officer's salary, shall not be construed as a "private interest".

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

**§ 21.04 NEPOTISM.**

(A) A member of the family of a Metro Officer shall not be given preference for employment or appointment to a position in a Metro Agency if a more qualified person has made application for the same position.

(B) No Metro Officer shall act in his or her official capacity to hire, or caused to be hired any member of his or her family at an hourly pay rate or with benefits in excess of any other employee with similar job duties, responsibilities and qualification requirements.

(C) No Metro Officer shall exercise direct management or supervisory authority over any member of his or her family; nor shall any Metro Officer exercise contract management authority where any member of his or her family is employed by or is under contract to any vendor who is subject to such officer's direct authority or management.

(D) After the effective date of this subchapter, a member of the family of the Mayor, a member of the Metro Council, County Attorney, Sheriff, County Clerk, Coroner, Surveyor and Constable shall not be employed by or appointed to a position with such elected official's office. Any members of the family of the Metro Officers named in this section employed or serving in a position within the office of such Metro Officer on the effective date of this subchapter or amendments thereto shall be excluded from the prohibition contained in this section including its amendments.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

**§ 21.05 LOUISVILLE/JEFFERSON COUNTY ETHICS COMMISSION.**

(A) (1) A Louisville/Jefferson County Metro Government Ethics Commission (the Ethics Commission) is hereby created which shall be responsible for the enforcement and administration of the Code of Ethics adopted in this subchapter in the manner set forth in this subchapter. When requested by a Metro Officer, the Ethics Commission shall issue an advisory opinion concerning acts or activities covered by this subchapter. Such opinions shall be public and shall not disclose the identity of persons associated with the opinion. Confidential opinions may be issued, if requested by the Metro Officer or Metro Agency submitting the question only if the subject is exempt from disclosure pursuant to KRS 61.878.

(B) (1) The investigation and determination of whether a Metro Officer has committed any violation of this subchapter shall be the responsibility of the Ethics Commission. In order to ensure a thorough investigation, the Commission is authorized to appoint an investigating officer.

(2) When requested by an appointing authority, the Ethics Commission shall have authority to issue an opinion concerning whether or not an act or activities undertaken by a Metro Officer constitute a violation of this subchapter. The Ethics Commission shall have authority to adjudicate factual issues, and to determine whether the alleged act or activity constitutes a violation of this subchapter.

(C) (1) The Ethics Commission shall consist of seven members appointed by the Metro Mayor and approved by the Metro Council. Ethics Commission members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No two Ethics Commission members shall reside in the same Metro Council district. Members of the Ethics Commission shall serve for a term of three years or until his or her successor is appointed. Provided, however, that the term of office may be less than three years at appointment if necessary to prevent the expiration of more than three members' term of office in any one year. In addition, such Ethics Commission members may be reappointed for one consecutive term and shall not be eligible for reappointment until one year after the expiration of his or her last term. Members of the Ethics Commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties in the same manner as provided by existing Louisville Metro Government policy for expense reimbursement.

(2) The absence of any member from three consecutive meetings, unless the Ethics Commission has excused the absence for good and sufficient reason, shall constitute a resignation.

(3) When a vacancy occurs in the membership of the Ethics Commission, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as regular appointments. Any person appointed to fill a vacancy on the Ethics Commission must meet the qualifications and limitations set forth in this chapter.

(4) An Ethics Commission member may be removed from office by at least a two-thirds majority of the Metro Council, after written notice, including a clear statement of the grounds for removal, and opportunity for reply, at least 30 days before voting on removal. The sole grounds for removal shall be failure to meet the qualifications or limitations set forth in this code, neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or a violation of this chapter.

(5) No member of the Ethics Commission may be, or have been within one year prior to appointment: a person serving in an elected office of any level of government or a candidate for election to office of any level of government; a Metro Officer or employee of the Metro

Government; a lobbyist as defined in KRS 11A.010(11); a member of a Metro Officer's family.

(D) Within 60 days of the effective date of this subchapter, the Ethics Commission shall draft and submit to the Metro Council its rules and regulations for the administration of this subchapter and the conduct of its meetings, including, but not limited, to maintenance of financial disclosure statements, issuance of opinions and imposition of penalties for violations of this Code. If the Metro Council does not disapprove of the Ethics Commission's rules and regulations within 45 days after submission to the Council, such rules and regulations shall go into effect on the 46th day after submission. The Ethics Commission shall annually report any changes to its rules operations, or procedures to the Louisville Metro Council by August 1.

(E) There is hereby created the position of Legal Counsel to the Ethics Commission. The Ethics Commission shall employ Legal Counsel on contract on either a full-time or part-time basis provided that Legal Counsel employed under contract shall not be employed counsel or under contract in any capacity with Metro Government, or associated with an attorney employed by or under contract in any capacity with Metro Government.

(F) The Metro Human Resources Department shall provide reasonable and necessary staff support for the operation of the Ethics Commission, including all training of Metro Officers required in this section.

(G) The Ethics Commission shall be the official custodian of financial disclosure statements to be filed under this subchapter.

(H) (1) The Ethics Commission shall conduct at least one annual training and review session open and available to all Metro Officers, and such other training and review activities as shall from time to time be requested by the Metro Mayor, the Metro Council, or Ethics Commission.

(2) All Metro Officers in office on the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of the effective date of this subchapter and at least once every 24 months thereafter. All Metro Officers elected or appointed after the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of his or her election or appointment, and at least once every 24 months thereafter.

(I) The Ethics Commission shall prepare and submit an annual report to the Metro Council, summarizing the activities, decisions, and advisory opinions of the Ethics Commission. The annual report may also recommend changes to the text or administration of this Ethics Code. The annual report must be submitted no later than July 31st of each fiscal year, covering to the previous fiscal year ending June 30th, and must be filed with the Metro Council Clerk. The annual report shall be made available on the Metro website with a statement that financial disclosure forms are available for public inspection with the Ethics Commission. On a monthly basis, a report must be prepared and submitted to Metro Council if any decisions or advisory opinions have been pending for more than 180 days from the date of the complaint or request. The report shall summarize the Ethics Commission's actions on the request or complaint, reasons for delay, and an anticipated time frame for issuance of a decision.

(J) The Ethics Commission shall at least every four years review this Ethics Code, the enforcement of the Ethics Code, and the Ethics Commission's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Louisville Metro Government, and whether they set forth clear and enforceable, common-sense standards of conduct. After at least one public hearing, the Ethics Commission may recommend to the Metro Council amendments to this Ethics Code.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 116-2003, approved 6-27-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010; Lou. Metro Am. Ord. No. 88-2012, approved 5-11-2012)

**§ 21.06 COMPLAINTS.**

(A) Written complaints against Metro Officers which allege violations of this chapter may be filed by any person with the Ethics Commission and must be filed within one year of the time of the occurrence which is the subject of the complaint, or within one year of the date the occurrence was discovered or should have been discovered in the exercise of reasonable care. No unsworn complaint shall be considered by the Ethics Commission. The Ethics Commission shall have no jurisdiction to consider a complaint against a person unless that person is employed as a Metro Officer.

(1) The complaint shall be submitted on a form provided by the Ethics Commission and shall contain the complaining party's name, address and contact information including telephone number, and fax number or e-mail address, if the complaining party has such contact availability. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths. The Ethics Commission shall have no jurisdiction in the absence of a sworn complaint. The complaint form provided by the Ethics Commission shall contain a statement advising of the elements and penalties under Kentucky law for perjury and for false swearing.

(2) The complaint shall contain the complaining party's sworn statement as to any known facts, details, or circumstances that support the allegation of a violation, including all acts or omissions committed by the Metro Officer.

(3) The complaining party shall submit with the complaint all documents, recordings, pictures and other information which support the basis for the ethical violation by the officer.

(4) The complaining party shall provide the names and addresses of all individuals which the complaining party believes have information to support the allegation of a violation along with a summary of what information the complaining party believes each named individual has to support the alleged violation.

(5) A complaint that does not comply with subsections (A)(1), (A)(2), (A)(3), and (A)(4) above will not will not be filed in the records of the Commission, but shall be returned to the complaining party for correction or completion of any incorrect or incomplete information within ten days, and must be corrected and resubmitted within ten days.

(6) If, after a complaint has been submitted and returned to the complaining party three times, complaining party may request in writing that the Commission review the final version of the complaint and direct that it be filed.

(7) The Commission may dismiss any complaint with prejudice, or dismiss individual allegations contained in the complaint. The Ethics Commission may for cause shown allow for an amendment or supplemental filing by the complaining party, grant additional time for response by the subject of the complaint, prohibit the introduction of undisclosed information, or other such order as may be just under the circumstances.

(8) The Ethics Commission may amend a complaint by deleting allegations that do not constitute a violation of this chapter or by deleting allegations against persons or entities not covered by this chapter. The Ethics Commission may amend a complaint to include additional documents, witnesses, or materials that support the allegation or violation. The Ethics

Commission may amend the complaint to state an allegation of a violation that is apparent from the complaint or amendments to the complaint.

(9) The Ethics Commission may request that the Jefferson County Attorney contract independent counsel to represent the complainant at the cost of Louisville Metro Government when the Commission deems such representation necessary to ensure due process in hearings conducted before the Commission. Attorney's fees to be paid by Louisville Metro Government for complainants under this section shall not exceed $25,000 dollars per complaint action.

(B) Any Metro Officer who is the subject of a complaint filed with the Ethics Commission shall be afforded due process by the Ethics Commission including, but not limited to, all of the following rights:

(1) Within ten days of its filing with the Ethics Commission, a certified copy of the complaint or any amendment thereto shall be personally served only on the Metro Officer named in the complaint by handing it to the Metro Officer, by leaving it at a conspicuous place in his or her office, or by leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(2) The Metro Officer shall be given no less than 20 days to respond to a complaint or any amendment thereto.

(3) The Metro Officer shall have the right to legal counsel. The Metro Officer may retain their own attorney at their own expense. If requested by the Metro Officer, the Jefferson County Attorney shall contract independent counsel to represent the Metro Officer in all proceedings before the Metro Ethics Commission at the cost of Louisville Metro Government. Attorney's fees to be paid by Louisville Metro Government for complainants under this section shall not exceed $25,000 dollars per complaint action.

(4) A Metro Officer who is the subject of any proceedings before the Ethics Commission shall be given not less than ten days notice of the date, time, and place of each proceeding. The notice shall also include a description of the matters to be heard at such proceedings together with copies of any motions or other documents to be considered in connection with the noticed proceedings whether in written or electronic form. Any individual who offers facts pertaining to the complaint shall testify under oath. Only the party filing the complaint and those individuals listed on the complaint, or a supplemental list of provided to the Officer by the Ethics Commission in accordance with subsection (B)(1) above and provided not less than ten days prior to the proceedings, shall be permitted to testify in support of the violation by the officer. Only documents filed with the Ethics Commission at the time of the institution of the complaint, or supplemented not less than ten days prior to the proceedings, shall be considered by the Ethics Commission. The names and information of all individuals and documents provided by the complaining party shall be immediately forwarded to the Metro Officer.

(5) Any information whether in documentary or electronic format which is not furnished to the Ethics Commission or to the Metro Officer in compliance with subsection (B)(4) above shall not be used for any purpose in any proceeding before the Ethics Commission.

(6) If any hearing before the Ethics Commission is based upon a complaint of an individual, not less than ten days before the date of the hearing, the complainant shall be notified to appear at the time and place of the hearing by certified mail. If the complaining party does not appear, the hearing shall be continued to a later date, however no hearing will be held unless the complainant within ten days of the original hearing dates states in writing circumstances that compelled complainant's absence. If the Ethics Commission does not find that extraordinary circumstances exist to justify the complaining party's absence, such complaint may be dismissed.

(7) A complaint filed against a Metro Officer shall be given a hearing as provided by this subchapter within 120 days of the complaint being filed, unless the Commission grants, for good cause shown, extensions of time not to exceed a total of 60 days. Otherwise the complaint shall be dismissed with prejudice and not be considered by any hearing authority.

(8) The Metro Officer shall be permitted to present to the Ethics Commission, at any proceeding before the Ethics Commission involving a Metro Officer, or otherwise, any witnesses or any electronic or documentary evidence the Metro Officer wishes, subject only to reasonable standards of relevance and materiality, and may examine or cross-examine all witnesses called to testify at such a proceeding.

(9) Any evidence presented against a Metro Officer at any proceeding before the Ethics Commission involving a Metro Officer, including witnesses and electronic or documentary evidence, shall be subject to reasonable standards of relevance and materiality.

(10) No person shall offer evidence at any proceeding before the Ethics Commission involving a Metro Officer unless the person is first placed under oath in accordance with law. No person other than counsel for the Ethics Commission, or the Metro Officer involved in a proceeding before the Ethics Commission, or the Metro Officer's counsel, who refuses to be placed under oath may speak at any such proceeding.

(C) An Officer found guilty by clear and convincing evidence by the Ethics Commission of violating the Ethics Code may appeal the decision to a court of competent jurisdiction as provided by law. Any such appeal shall be served on Legal Counsel for the Ethics Commission.

(D) Any complaint against a Metro Officer pending for 60 days or longer as of the date of the passage and approval of Metro Ordinance No. 52-2010 shall be given a hearing as provided by this section within 30 days of the passage and approval of that ordinance, or the complaint shall be dismissed with prejudice at the termination of that period and shall not be considered by any hearing authority. Subsection (B) of this section shall apply to all complaints pending for less than 60 days prior to the passage and approval of Metro Ordinance No. 52-2010.

(E) No person shall file a complaint against a Metro Officer with the Ethics Commission which complaint is false, or made in bad faith, or with actual malice, or without probable cause. In the event that such a complaint is filed with the Ethics Commission, it shall be forwarded to the Commonwealth's Attorney, together with all electronic and documentary materials related to the complaint, for action as that official may deem appropriate.

(F) All Ethics Commission records, including the complaint and answer and other records relating to a preliminary inquiry, shall be confidential until a final determination is made by the Ethics Commission, except:

(1) The Ethics Commission may turn over to the Attorney General, the United States Attorney, Commonwealth's Attorney, County Attorney, or a law enforcement agency within the jurisdiction, evidence which may be used in criminal proceedings;

(2) If the complaining party or alleged violator publically discloses the existence of a preliminary inquiry, the Ethics Commission may publically confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party;

(3) The Ethics Commission shall make disclosure that are required, and not subject to exemption, under Kentucky's open records and open meetings laws.

(G) Following a hearing on a complaint filed against a Metro Officer pursuant to the Metro Code of Ethics, the record of the hearing may remain open no more than 60 days for the filing of

post-hearing pleadings and documents, including transcripts and recommended orders. Upon showing of good cause, the Ethics Commission may extend the period for an additional 60 days. The Ethics Commission shall render a final decision within 30 days following the closing of the record.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 215-2008, passed 12-15-2008; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010; Lou. Metro Am. Ord. No. 88-2012, approved 5-11-2012; Lou. Metro Am. Ord. No. 237-2013, approved 12-23-2013; Lou. Metro Am. Ord. No. 239-2013, approved 12-23-2013)

**§ 21.07 PROTECTION AGAINST REPRISAL.**

(A) No Metro Officer or any other employee of the Metro Government or employee of any office covered by this chapter shall subject to reprisal, or directly or indirectly use, or threaten to use, an official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any officer or employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Ethics Commission, any appointing authority, any law enforcement agency or its employees, or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of this subchapter or any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or the Louisville/Jefferson County Metro Government, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No Metro Officer or Metro Government employee or employee of any office covered by this chapter shall be required to give notice of any kind prior to making such a report, disclosure, or divulgence.

(B) No person shall be subject to discharge or disciplinary action if such person elects not to answer inquiries or speak or testify about any complaint or at any proceeding of the Ethics Commission.

(C) No Metro Officer or any other employee of the Metro Government shall subject to reprisal or discriminate against, or use any official authority or influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any officer or employee who makes public any wrongdoing set forth in subsection (A).

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010) Penalty, see § 21.99

**§ 21.08 TRANSACTIONS WITH SUBORDINATES.**

(A) No Metro Officer shall compel a subordinate or any person or business or nonprofit organization over which, in the Metro Officer's official duties and responsibilities, he or she exercises supervisory responsibility, to engage in a financial transaction, including the giving or receiving of loans or monetary contributions, including charitable contributions.

(B) No Metro Officer or candidate seeking an office covered by this chapter shall compel any subordinate to participate in an election campaign or ballot referendum, or make a political contribution.

(Lou. Metro Ord. No. 52-2010, approved 3-25-2010) Penalty, see § 21.99

**§ 21.09 ELECTIONEERING.**

No Metro Officer shall engage in any political activity:

(A) With the use of any government funds, equipment supplies, vehicles, or facilities;

(B) Using Metro Government employees while still on duty to work at meetings where the known purpose or agenda of the meeting is to endorse or advocate for a political candidacy or party;

(C) Sending e-mails using Metro Government resources which advocate the candidacy of a person for political office or a political party;

(D) Creating and/or transferring a list, including, but not limited to, a paper or electronic-based list, using Metro Government resources for the purpose of engaging in electioneering; and

(E) Using Metro Government resources to establish and/or transfer a website domain name in a Metro Government officeholder's official capacity for the purpose of engaging in electioneering.

(Lou. Metro Ord. No. 52-2010, approved 3-25-2010; Lou. Metro Am. Ord. No. 238-2013, approved 12-23-2013) Penalty, see § 21.99

### § 21.10 RECORDS.

All files, records, and documents maintained by, or in the possession of any ethics board, agency, or office under the jurisdiction of Jefferson County or the former City of Louisville shall be delivered to the Ethics Commission and thereafter maintained by the Ethics Commission.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

## *PUBLIC HOUSING AUTHORITIES*

### § 21.30 DEFINITIONS.

As used in this subchapter, the following definitions shall have their given definitions.

***HOUSING AUTHORITY.*** The Housing Authority of Louisville, the Jefferson County Housing Authority, and any other public housing authority created or existing under the Louisville/Jefferson County Metro Government.

***HOUSING AUTHORITY EMPLOYEE.*** Any person employed by a housing authority whether full time or part-time, seasonal or temporary and members of the board of a housing authority.

***HOUSING AUTHORITY OFFICER.*** The executive director of a housing authority, and its deputy executive directors.

***INTEREST.*** The ownership or control of any profits, assets or stock of a business. For purposes of the financial disclosure statement, housing authority officers shall list the names and addresses of all businesses in which the housing authority officer or any member of the housing authority officer's family, at any time during the preceding calendar year, had an interest, including the ownership of publicly traded securities.

(Lou. Metro Ord. No. 72-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

### § 21.31 STANDARDS OF CONDUCT.

It shall be a condition of employment of all housing authority officers and housing authority employees that they comply with the following standards of conduct for employment at all times while employed as a housing authority officer or housing authority employee:

(A) No housing authority officer or housing authority employee, or any family member, shall be employed by any business or have an interest in any business or engage in any transaction or activity which is in substantial conflict with the proper discharge of the housing authority officer's or housing authority employee's official duties or which might reasonably be expected to impair his or her objectivity or independence of judgment.

(B) No housing authority officer or housing authority employee shall solicit or intentionally use his or her position for the purpose of securing privileges or advantages for himself or herself or other persons which are not generally available to private citizens.

(C) No housing authority officer or housing authority employee shall accept compensation for the performance of the housing authority officer's or housing authority employee's official duties other than the salary and wages payable to him or her by reason of his or her position.

(D) No housing authority officer or housing authority employee, in the performance of his or her official duties, shall take, or fail to take, any action in order to obtain an economic opportunity for himself or herself, a member of his or her family, a business which the officer's or employee's family has an interest or any person with whom he or she maintains a close economic or personal association.

(E) No housing authority officer or housing authority employee shall represent, negotiate, or execute documents on behalf of a public housing authority in any transaction between a public housing authority and the officer or employee, or a member of the officer or employee's family, or a business in which the officer or employee or a member of the officer or employee's family has an interest, or a business with which the officer or employee is negotiating for or seeking a position of employment.

(F) No housing authority officer or housing authority employee shall directly or indirectly solicit or accept any gift under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence, the housing authority officer or housing authority employee in the performance of his or her official duties. There shall be a presumption that the receipt by a housing authority officer or housing authority employee of any of the following is not in violation of this subsection:

(1) Political contributions, including the purchase of tickets to, or advertisements in journals for political or testimonial dinners, if such contribution is actually received and used for political or public purposes;

(2) A usual and customary commercial loan made in the ordinary course of business;

(3) An occasional non-pecuniary award publicly presented by a nonprofit organization in recognition of the performance of a public service; or

(4) Reasonable hosting, limited to meals or refreshments furnished in connection with public events, appearances, ceremonies, or charitable events.

(G) No housing authority officer or housing authority employee shall intentionally use or disclose information obtained in the course of his or her official duties, and not otherwise generally available, for the purpose of obtaining an economic opportunity for himself or herself or for any other person.

(H) No housing authority officer or housing authority employee, a member of his or her family or a business in which the housing authority officer or housing authority employee owns or controls an interest shall undertake, execute, hold or enjoy any contract for the purchase or sale of goods, services, or real or personal property made, entered into, awarded or granted by housing authority. This prohibition shall extend to the period of one year next subsequent to the termination of office or employment.

(I) No housing authority officer or housing authority employee shall participate as a bidder or purchaser in any auctions conducted by a public housing authority.

(J) No family member of a housing authority officer or housing authority employee shall be hired by the department in which the housing authority officer or housing authority employee serves, if the housing authority officer or housing authority employee has any management authority over the position. This provision shall not apply to any person employed prior to the effective date of this subchapter, nor to any contract entered into prior to that date.

(K) No housing authority officer or housing authority employee shall be prohibited from making an inquiry for information on behalf of another person, if no fee, reward or other thing of value is promised to, given to or accepted by the covered individual or family member, whether directly or indirectly, in return therefor.

(L) Nothing herein shall prohibit any housing authority officer or housing authority employee, or family member, from representing himself or herself, or themselves, in negotiations or proceedings concerning his, her, or their employment with any public housing authority.

(M) No housing authority officer or housing authority employee shall solicit, accept or agree to accept any economic opportunity upon an agreement or understanding that his or her vote, opinion, judgment, exercise of discretion or other action as a housing authority officer or housing authority employee will thereby be influenced.

(N) No housing authority officer or housing authority employee shall engage in conduct that constitutes a violation of the standards of conduct established by this section. It shall be the housing authority officer's or housing authority employee's duty to determine if a potential violation could occur, to avoid violating these standards of conduct, if possible, or where applicable, to disclose a violation or potential violation as follows:

(1) A housing authority officer or housing authority employee may seek an advisory opinion from the Louisville/Jefferson County Metro Ethics Commission to determine whether a violation occurred or could occur.

(2) If the housing authority officer or housing authority employee determines that a violation or potential violation of these standards of conduct exists, that individual shall, if possible, be screened from participating in the matter and the matter shall be assigned to another individual those action in the matter would not constitute a violation of these standards of conduct.

(O) A housing authority officer or housing authority employee, other than in performing duties in making payments to other housing authority officers or housing authority employees as provided by law, shall not pay or offer to pay any housing authority officer or housing authority employee any compensation for the performance of official duties.

(Lou. Metro Ord. No. 72-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010) Penalty, see § 21.99

**§ 21.32 FINANCIAL DISCLOSURE.**

(A) Housing authority officers shall be required to file financial disclosure forms in a form and at such times as shall be determined by the Louisville/Jefferson County Metro Ethics Commission (the Ethics Commission); provided that the filing requirements for such officers and employees shall be no less than the requirements applicable to other officers of the Metro Government.

(B) The Ethics Commission shall be the custodian of financial disclosure forms filed by housing authority officers.

(Lou. Metro Ord. No. 72-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

**§ 21.33 COMPLAINTS.**

Complaints against housing authority officers or housing authority employees which allege violations of this subchapter may be filed by any person either with the public housing authority which employs the officer or employee involved; or complaints may be filed with the Ethics Commission. A complaint received by a public housing authority shall be promptly forwarded to the Ethics Commission.

(Lou. Metro Ord. No. 72-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010)

**§ 21.99 ENFORCEMENT; PENALTY.**

(A) (1) Upon a determination by the Ethics Commission of a violation of any of the provisions of §§ 21.01 through 21.09 by a Metro Officer, the Ethics Commission may impose the following penalties:

(a) For any unintentional violation which has been voluntarily corrected by the officer prior to any action by the Ethics Commission, a notice of mootness shall be issued by the Ethics Commission;

(b) For any violation which is determined by the Ethics Commission to have been unintentional or the result of a good faith misinterpretation of the requirements of §§ 21.01 through 21.09, a letter of technical violation or a letter of reprimand shall be issued by the Ethics Commission as the Ethics Commission deems appropriate;

(c) For any intentional violation which is acknowledged and rectified by the officer prior to any action by the Ethics Commission, a letter of public reprimand may be issued by the Ethics Commission;

(d) For any intentional violation a letter of formal censure may be issued by the Ethics Commission;

(e) For any intentional violation a written recommendation may be made by the Ethics Commission to the Metro Council, the Mayor, or other appointing authority of removal, training, or remediation.

(2) In addition to any of the penalties set forth under subsection (A)(1), an intentional violation of §§ 21.01 through 21.09 shall be a misdemeanor for which a Metro Officer may be fined by the Ethics Commission a sum not less than $25 nor more than $500.

(3) In addition to any of the penalties set forth under subsection (A)(1) and (A)(2), an intentional violation of §§ 21.01 through 21.09 may:

(a) In the case of a non-elected Metro Officer, be grounds for other sanctions or actions by his or her appointing authority; or

(b) In the case of an elected Metro Officer, be grounds for removal under KRS 67C.143; or

(c) In the case of a Metro Council member, be grounds for other sanctions or actions by the Metro Council under its rules, or otherwise.

(B) (1) Any housing authority officer or employee who violates any provision of §§ 21.30 through 21.33 shall be subject to disciplinary action in accordance with procedures established by the Ethics Commission. Any such disciplinary action by the Ethics Commission shall not foreclose any action that the public housing authority may take with respect to the officer or employee's employment status.

(2) After written notice of a failure to timely file a statement of financial disclosure, any housing authority officer who fails to file within ten business days of such notice may be fined by the Ethics Commission a sum not less than $25 nor more than $500.

(Lou. Metro Ord. No. 71-2003, approved 4-16-2003; Lou. Metro Ord. No. 72-2003, approved 4-16-2003; Lou. Metro Am. Ord. No. 52-2010, approved 3-25-2010; Lou. Metro Am. Ord. No. 88-2012, approved 5-11-2012)