

INSTRUCTIONS

1. Complete all sections of the complaint form. Incomplete forms will not be processed.
2. Give the specific name and home address of the person about whom you are complaining. If you are complaining about more than one person, use a separate complaint form for each person. You may photocopy or reproduce this form if you need more forms.
3. Provide a detailed account of the activity that is alleged to be in violation of the Ethics Law. The Commission's jurisdiction extends solely to alleged violations of the Public Official and Employee Ethics Law. 65 Pa.C.S. § 1101 et seq. Please insure that all allegations relate to specific individuals. If you are not sure that the Commission has jurisdiction over the conduct or individual in question, visit the Commission website; refer to the Ethics Law; the Guide to the Public Official and Employee Ethics Law; or contact the State Ethics Commission.
4. Enclose records, documents, minutes, etc., that support your allegations.
5. Sign the form and have a notary sign, date, and note the date their Commission expires. If using the on-line form, you can complete the required information on-line, however; when finished you must print it out and manually sign it in the presence of a notary.
6. The Commission may only investigate activities within five (5) years after the occurrence of the alleged violation of the Act.

IMPORTANT

Any person filing a complaint with the State Ethics commission should be aware of the following provisions of the Ethics Law:

Prohibited Retaliation

No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion or threaten to do so for filing a complaint with or providing information to the Commission or testifying in any Commission proceeding.

Confidentiality

The Commission will keep information, records, and proceedings relating to preliminary inquiries and investigations confidential (this includes the identity of the Complainant, unless there has been a wrongful use of act as defined below).

The Commission may disclose information or records regarding a preliminary inquiry or investigation in relation to:

- Final orders of the Commission which become public.
- Hearings conducted in public, as provided by law.
- Appeal of Commission orders.
- Seeking the Advice of Legal Counsel.
- Consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency.
- Testifying under oath before a governmental body or a similar body of the United States of America.
- The provision of discovery materials to the subject of an investigation, as required by law.
- When necessary or incidental to the conduct of on-going investigations or inquiries.

Penalties

Any person who engages retaliatory activity proscribed by Section 8(j) is guilty of a misdemeanor and, in addition to any other penalty provided by law, shall be fined not more than \$1,000 or imprisoned for not more than one year, or be both fined and imprisoned. Any person who willfully affirms or swears falsely in regard to any material matter before a Commission proceeding pursuant to Section 8 is guilty of a felony and shall be fined no more than \$5,000 or imprisoned for not more than five years, or be both fined and imprisoned.

Wrongful Use of Act

- (a) A person who signs a complaint alleging a violation of this act against another is subject to liability for wrongful use of this act if:
 1. The complaint was frivolous*, (filed in a grossly negligent manner without basis in law or fact), or without probable cause and made primarily for a purpose other than that of reporting a violation of this act, or
- (b) A person who signs a complaint alleging a violation of this act has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either
 1. Reasonably believes that under those facts the complaint may be valid under this act, or
 2. Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information.
- (c) If a complainant is found to have engaged in a wrongful use of the Act, his identity may be disclosed to the subject of the complaint who may initiate proceedings to recover expenses, fees, losses and damages.