

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 individual about whom you are complaining. If you are complaining about more than one individual, a separate complaint form must be completed for each individual. The complaint form may be photocopied if needed.
3. Provide a detailed account of the activity that is alleged to be in violation of the Ethics Act. The Commission's jurisdiction extends solely to alleged violations of the Public Official and Employee Ethics Act, 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 for information about the Ethics Act or contact the State Ethics Commission.
4. Enclose records, documents, minutes, etc., that support your allegations.
5. The form must be signed and notarized. If completing the form online, it must be printed, signed and notarized.
6. The Commission may only investigate activities within five (5) years after the occurrence of the alleged violation of the Ethics Act.

IMPORTANT

Any individual filing a complaint with the State Ethics Commission should be aware of the following provisions of the Ethics Act:

Prohibited Retaliation

No public official or public employee shall discharge any official or employee or change official rank, grade or compensation, or deny 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 the 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 in retaliatory activity proscribed by Section 1108(j), commits 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 (1) 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 1108 commits a felony and, upon conviction, shall be fined no more than \$5,000 or imprisoned for not more than five (5) years, or be both fined and imprisoned.

Wrongful Use of the Act

Wrongful Use of the Act is established by one or more of the following elements:

- (1) The filing of a frivolous complaint which is a complaint filed in a grossly negligent manner without basis in law or fact.
- (2) The filing of a complaint without probable cause, primarily for a purpose other than reporting a violation of the Ethics Act.
- (3) Disclosing publicly or causing to be publicly disclosed the fact that an individual is the subject of a complaint or Commission investigation.*

*See, Stilp v. Contino, 743 F. Supp. 2d 460 (M.D. Pa. 2010) (permanently enjoining the enforcement of Section 1108(k) of the Public Official and Employee Ethics Act, 65 Pa.C.S. § 1108(k)--pertaining to confidentiality of Commission investigative matters--against a complainant who discloses the fact that he or she filed a complaint with the Commission).



FOR OFFICIAL USE ONLY

**ETHICS
COMPLAINT**

Mail completed form to:

**State Ethics Commission
Finance Building
613 North Street, Room 309
Harrisburg, PA 17120-0400**

**(717) 783-1610
1-800-932-0936
www.ethics.pa.gov**

INSTRUCTIONS – Please see reverse side of this form.

1. Identify the individual you are complaining about.

Name:

Position or Title:

Address:

Work Phone Number:

Home Phone Number:

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2. Explain in detail why you believe the individual named above may have violated the Ethics Act. Attach an extra sheet of paper if necessary.

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3. Attach or make reference to any documents, materials, minutes, resolutions or other evidence which support your allegations.

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4. Sworn to and subscribed before me this

_____ day of _____, 20__

Notary Public

My Commission Expires:

I swear or affirm, under penalty of perjury, that the facts set forth in this complaint are true and correct to the best of my knowledge and belief. I also swear and affirm that I have read and understand the prohibited retaliation, confidentiality, penalties, and Wrongful Use of the Act provisions on the reverse side of this form.

Signature

Print/Type your name:

Home Address:

Work Phone Number:

Home Phone Number:

Email Address: