

**CITY OF NAPLES
COMMISSION ON ETHICS AND GOVERNMENTAL INTEGRITY
COMPLAINT FORM**

1. COMPLAINANT (Person bringing complaint)

Name: _____

Address: _____ City: _____ Zip Code _____

Contact No.'s: *Specify Home, Work &/or Cell* _____

E-mail: _____

2. RESPONDENT (Person against whom complaint is made) Use a separate complaint form for each person you wish to complain against.

Name: _____

Address: _____ City _____ Zip Code _____

Contact No(s): *Specify Work &/or Cell* _____

Title/Office Held or Sought: _____

Note: The Ethics Commission does not have jurisdiction over State or Federal officials, Judges or Collier County officials.

3. STATEMENT OF FACTS BASED ON PERSONAL KNOWLEDGE. In a separate attachment, please provide a full explanation of the facts and actions that form the basis of your complaint, including dates when the action(s) occurred. Also, attach any relevant documents as well as names and contact information of witnesses or other persons who may have knowledge about the actions. If known, indicate the section of the Ethics Code you believe was being violated. Please do not submit more than 15 pages, including this form.

OATH:

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

STATE OF FLORIDA COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization this _____ day of _____, 20_____

By _____
(name of person making statement)

Signature of Complainant

Signature of Notary Public

Print, Type or Stamp Commissioned Name of Notary Public

Personally known to me _____ or produced identification

Type of identification produced: _____

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INSTRUCTIONS & PROCEDURES

The City of Naples Commission on Ethics and Governmental Integrity (Ethics Commission) was established through Article 17 of the Amended Charter of the City of Naples. The Ethics Commission encourages persons with substantial personal knowledge of suspected violations of ordinances within its jurisdiction to bring forth evidence in a legally sufficient complaint.

Jurisdiction: The Ethics Commission has jurisdiction to hear complaints related to the City of Naples Ethics Code.

Legal Sufficiency: To be legally sufficient, the Complaint must meet the following criteria:

- 1) Be in a format prescribed by the Ethics Commission,
- 2) Specifically allege one or more violations of the Naples or State of Florida ethics code within the Ethics Commission's jurisdiction,
- 3) Include any referenced supporting documentation in possession of the Complainant,
- 4) Be based substantially upon personal knowledge of the Complainant, and
- 5) Be signed, dated and affirmed to by the Complainant.

Requirements: Complaints must be notarized. The Ethics Commission will not accept anonymous complaints. Improperly completed Complaint Forms will be returned.

All complaints are considered **independent** of one another. Therefore, if you are filing a complaint against multiple Respondents, please use a **separate** Complaint Form for **each** Respondent and provide a **separate** Statement of Facts for each person.

Submittal: The Complaint Form notarized and substantiated with relevant documents, if available, may be sent via U.S. mail or personal delivery to the **Commission on Ethics and Governmental Integrity, 295 Riverside Circle, 2nd Floor, Naples Florida 34102**. You may also e-mail the Sworn Complaint Form to the Ethics Commission by electronic mail to the Executive Director at Naples_ethics@naplesgov.com. For submissions by e-mail, please include the word "CONFIDENTIAL" at the beginning of the e-mail subject line.

Procedures: All sworn complaints filed with the Ethics Commission will be assigned a number. A copy will be forwarded to the Respondent within thirty (30) days after receipt of the Complaint unless the Complaint is returned to the complainant. An acknowledgement letter or email will also be sent to the complainant.

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The Complaint will be reviewed to determine whether the Ethics Commission has jurisdiction over the matter and whether the Complaint is legally sufficient. Upon a determination of no legal sufficiency, a recommendation will be presented to the Ethics Commission for dismissal. An order dismissing the Complaint will be sent to both the Complainant and the Respondent. Upon a determination of legal sufficiency, a preliminary investigation shall be undertaken to determine whether there is probable cause to believe that a violation has occurred. Complainant may be required to speak to Ethics Commission Staff or produce additional documentation in support of your complaint. If during the investigation, evidence of other wrongful act(s) not materially related to the Complaint is discovered, such evidence may result in further investigation, an ethics complaint or other action in accordance with the Ethics Commission Rules. Respondent shall be given an opportunity to respond to the Complaint.

Ethics Commission Staff will make a recommendation of either probable cause or no probable cause to the Ethics Commission which may take such action as authorized by its Rules. The Ethics Commission may, at its discretion, dismiss a Complaint at any stage should it determine that the public interest would not be served by proceeding further.

Withdrawal of Complaint: A request to withdraw shall be in writing and signed by Complainant. A Complaint may be withdrawn for good cause.

Stay of Proceedings: In accordance with Ethics Commission Rules of Procedure, complaint proceedings may be stayed at any time prior to the commencement of a public hearing.

Notices: All sworn complaints will be presented to the Ethics Commission. You will be notified of the date when the Ethics Commission considers probable cause in the complaint you filed; however, a complainant is not a party to the proceedings and does not participate in the hearing. Notice of the probable cause determination hearing will be sent to all Respondents. Upon the Ethics Commission's entry of a final order, both the Complainant and Respondent will be notified of the final disposition. Pre-probable cause determinations are not noticed.

Confidentiality: The Complaint and all Staff and Ethics Commission activities, proceedings and documents related to the Complaint are **confidential**. Staff may advise the Complainant or Respondent about the status of the complaint proceeding. Confidentiality may only be waived in writing by the Respondent.

Costs and Attorney's Fees: Pursuant to Section 3.5 of the Ethics Commission Rules of Procedure a Respondent may petition the Ethics Commission for the imposition of costs and attorney's fees based on Complainant filing a frivolous and groundless complaint. If the petition is legally sufficient, a hearing shall take place where a determination shall be made on whether the Respondent is entitled to costs and attorney's fees based on the filing of a frivolous complaint.

The Commission on Ethics and Governmental Integrity is a public entity subject to the Public Record Laws, Chapter 119, Florida Statutes.