



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Minor-Brown & Rep. Ramone & Rep. Yearick

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 4

RELATING TO PERMANENT PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 152ND GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS.

1 BE IT RESOLVED by the House of Representatives of the 152nd General Assembly of the State of Delaware that
2 the Permanent Rules of Procedure of the House of Representatives for ethics violations shall be as follows:

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29 RULES OF PROCEDURE, ETHICS VIOLATIONS.

30 Rule 1 - Scope and Authority.

31 These rules govern the procedures to be followed by the Ethics Committee and by the House in proceedings
32 involving allegations of violations of the Rules of Legislative Conduct. So far as applicable, these rules and the Rules of the
33 House of Representatives shall be the rules of the Ethics Committee which may prescribe additional rules not inconsistent
34 therewith.

35 PROCEEDINGS BEFORE THE ETHICS COMMITTEE.

36 Rule 2 - Meetings and Quorum.

37 (a) The Committee shall meet at the call of the Chair. Notice of a Committee meeting shall be given pursuant to
38 the Rules of the House of Representatives.

39 (b) A quorum of the Committee consists of a majority of the members of the Committee.

40 Rule 3 - Committee Records.

41 (a) The Chair of the Committee shall, with the approval of the Committee, establish such procedures as in the
42 Chair's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received
43 by the Committee or its staff.

44 (b)(1) Unless otherwise authorized by the Committee, no information received by the Committee respecting any
45 alleged violation by a member of the House of Representatives of any Rule of Legislative Conduct shall be disclosed to the
46 public before the transmittal, under Rule 8 of these rules, to such member of a statement of alleged violation in connection
47 with such violation. After the service of such a statement on the member:

48 (2) The statement and any other paper filed pursuant to Rule 8 respecting such violation shall be made
49 available for public inspection at reasonable hours; and

50 (3) Any other paper filed with the Committee respecting such violation shall be made available as authorized
51 by the Committee, except that no paper shall be made available if its disclosure would violate any law or regulation.

52 Rule 4 - Special Procedures.

53 The Committee may adopt, by Resolution, any special procedures deemed necessary to a particular matter before
54 the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

55 Rule 5 - Changes in Committee Rules.

56 The rules of the Committee other than these rules may be modified, amended or repealed by a vote of a majority of
57 the Committee.

58 COMMITTEE INVESTIGATIVE AUTHORITY.

59 Rule 6 - Complaints.

60 (a) A complaint may be submitted to the Committee pursuant to subsection (c) of this rule and shall be in writing
61 and under oath, setting forth in simple, concise and direct statements the following:

62 (1) The name and address of the party filing the complaint (hereinafter referred to as the 'complainant');

63 (2) The name of the member of the House of Representatives alleged to be in violation of a Rule of
64 Legislative Conduct (hereinafter referred to as the 'respondent');

65 (3) A statement of each violation, identifying the Rule of Legislative Conduct alleged to have been violated,
66 divided into counts with each violation representing a separate count; and

67 (4) The facts alleged to give rise to the violation. The facts supporting the complaint may be sworn to by any
68 person. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set
69 forth the basis for such information and belief.

70 (b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall
71 be appended to the complaint.

72 (c) A complaint may be filed only by a member of the House of Representatives (including a member of the
73 Committee) and shall be transmitted directly to the Committee.

74 Rule 7 - Processing Complaints.

75 (a)(1) The Staff of the Committee shall examine each complaint submitted to the Committee for compliance with
76 the Rules of the House of Representatives and any other applicable Committee rules.

77 (2) If the staff determines that a complaint does not comply with House and Committee rules, the complaint
78 shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules
79 and a copy of such rules. A complainant may resubmit a complaint.

80 (3) If the staff determines that a complaint is in compliance with House and Committee rules, the complaint
81 shall be filed with the Committee and a copy shall be transmitted to each member of the Committee.

82 (4) The Chair shall place the complaint on the Committee agenda for consideration, and shall schedule a
83 Committee meeting as soon as practical thereafter.

84 a. The Committee shall consider the complaint and determine if the complaint should be
85 dismissed because it fails to allege facts which constitute a violation of a Rule of Legislative
86 Conduct or if the complaint merits further inquiry.

87 b. The decision under subparagraph A of this paragraph shall be transmitted in writing to the complainant
88 and respondent.

89 (b)(1) If the Committee determines that the complaint fails to allege facts which constitute a violation of a Rule of
90 Legislative Conduct, the Committee shall deliver to the House a report of the action taken and a brief statement of the
91 reasons therefor.

92 (2) If there are no dissenting votes to the determination in paragraph (b)(1) of this rule the complaint shall be
93 considered dismissed, and neither the Committee nor the House shall take any further action with respect thereto.

94 (3) If there are any dissenting votes to the determination in paragraph (b)(1) of this rule, the complaint shall be
95 considered dismissed and neither the Committee nor the House shall take any further action with respect thereto
96 provided that the Committee's determination shall be considered reversed and the investigation shall be pursued by the
97 Committee upon the written petition of any member of the House filed with the Speaker and approved by the majority
98 vote of the elected members of the House.

99 Rule 8 - Preliminary Inquiry and Statement of Alleged Violation.

100 (a)(1) If the Committee determines under Rule 7 that the allegation of a violation in a complaint filed with the
101 Committee merits further inquiry, or if the Committee's determination in that regard is reversed by the House, the
102 Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

103 (2) In the preliminary inquiry:

104 a. The respondent shall have an opportunity to present to the Committee, orally or in writing, a statement
105 respecting the allegations with respect to which the inquiry is being held; and

106 b. The staff may interview witnesses and examine documents and other evidentiary matter; and

107 c. The Committee may order the testimony of witnesses to be taken under oath, in which event the oath
108 may be administered by a member of the Committee or by any person authorized by a member of the Committee
109 or any person authorized by law to administer oaths; and

110 d. The Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and
111 the production of such books, records, correspondence, memoranda, papers, documents and other things as it
112 deems necessary to the conduct of the inquiry; and

113 e. Any probative evidence may be used.

114 (3) Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to
115 the Committee a report containing a comprehensive summary of the information received in the inquiry; and may
116 include in the report a recommendation for action by the Committee respecting the alleged violations which was the
117 subject of the inquiry.

118 (b) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry
119 respecting an alleged violation that there is reason to believe that the violation occurred, the Committee shall direct the staff
120 to transmit to the respondent a statement of alleged violation. A statement shall be divided into counts and each count shall
121 relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, and
122 include a reference to the provision of the Rule of Legislative Conduct alleged to have been violated.

123 (c)(1) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry that
124 there is no reason to believe that the violation occurred, the Committee shall deliver to the House a report of the action
125 taken together with a statement of the reasons therefore.

126 (2) If there are no dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be
127 considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

128 (3) If there are any dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be
129 considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter
130 provided that the House shall consider the matter upon the written petition of any member of the House filed with the
131 Speaker and approved by the majority vote of the members of the House.

132 (d) If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the
133 Committee who dissented from the vote to dismiss the complaint. In such case, the dissenting members shall direct the
134 Committee staff to transmit to the House and to the respondent, a statement of alleged violation as described in subsection
135 (b) which shall be the basis of the House's consideration of the matter.

136 Rule 9 - Answers and Motions and Committee Action.

137 (a) If a statement of alleged violation is transmitted under Rule 8(b), the respondent shall have twenty (20)
138 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the
139 respondent or his counsel, and shall be limited to the following:

140 (1) An admission or denial of, under oath, each count set forth in the statement plus any supportive evidence
141 and any other relevant information which the respondent may desire to submit.

142 (2) An objection to any count in the statement on the grounds that it fails to state a fact which constitutes a
143 violation of a Rule of Legislative Conduct.

144 (3) An objection to the jurisdiction of the Committee to consider the allegations contained in the statement.

145 (4) A motion for a bill of particulars.

146 (5) An objection to the participation of any member of the Committee in the consideration of the allegations
147 contained in the statement on the grounds that such member cannot render an impartial or unbiased decision. The
148 Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under
149 this paragraph is not in lieu of an answer. Any motion submitted pursuant to this rule shall be accompanied by a
150 memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in
151 paragraphs (1) through (5) of this subsection will be considered by the Committee and the Committee will not consider
152 any answer or motion in such paragraphs which is submitted under this rule after the expiration of such twenty (20)
153 calendar days.

154 (b) Within 10 calendar days after the receipt of any motion under subsection (a) of this rule, the Committee shall
155 consider such motion. Notice of the decision of the Committee respecting such motion shall be furnished the respondent.
156 When the Committee has acted on all motions submitted under paragraphs (2), (3) and (4) of subsection (a) of this rule, the
157 respondent shall, in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last
158 Committee action, an answer to each count in the statement not dismissed by the Committee.

159 (c) Failure to submit, within the applicable time period, an answer to a count of a statement which has not been
160 dismissed by the Committee, shall constitute an admission to the violation alleged in the count.

161 (d) The Chair, in his discretion, may extend or shorten any time limitations imposed by this rule if he or she
162 determines that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special
163 circumstances.

164 (e)(1) As soon as practical after the expiration of all applicable time limitations for action under subsections (a)
165 and (b) of this rule, the Committee shall act, by the vote of a majority of the members of the Committee, to:

166 a. Hold a disciplinary hearing on the violation charged in the statement; or

167 b. Defer action on the statement, but only if there is a grand jury or judicial proceeding pending; or

168 c. Dismiss the statement.

169 (2) The respondent shall be notified in writing of action taken under paragraph (1) of this Subsection.

170 (f)(1) If the Committee votes to dismiss the statement, the Committee shall deliver to the House a report of the
171 action taken together with a statement of the reasons therefor.

172 (2) If there are no dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be
173 considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

174 (3) If there are any dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be
175 considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter
176 provided that the House shall consider the matter upon the written petition of any member of the House filed with the
177 Speaker and approved by a majority vote of the members of the House. If any such proceeding is initiated in the
178 House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the
179 statement. The statement shall be the basis of the House's consideration of the matter and the dissenting members shall
180 cause a copy of the statement to be delivered to the House and served upon the respondent.

181 Rule 10 - Disciplinary Hearings before the Committee.

182 (a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the
183 Committee to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting
184 such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining
185 whether or not the count in the statement has been proved. The second phase shall be for the purpose of determining what
186 action to recommend to the House with respect to any count found to have been proved.

187 (b) At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony
188 of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents and any other
189 things as it deems necessary. Depositions, interrogatories and sworn statements taken under Committee direction may be
190 accepted into the Committee record.

191 (c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall
192 resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all
193 witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

194 (d)(1) The order of phase one of a disciplinary hearing shall be as follows:

195 a. The Chair shall open the hearing by stating the Committee's authority to conduct the hearing, the
196 purpose of the hearing and its scope.

197 b. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received
198 in the following order whenever possible, (i) witnesses and other evidence offered by the Committee staff, (ii)
199 witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

200 c. Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member.
201 The Committee members may then question the witnesses. The respondent or his counsel may then cross-examine
202 the witnesses. Redirect and recross may be permitted in the Chair's discretion. With respect to witnesses offered by
203 the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross examined
204 by Committee counsel or authorized staff member. Committee members may then question the witness. Redirect
205 and recross may be permitted in the Chair's discretion.

206 (2) Testimony of all witnesses shall be taken under oath. The oath shall be administered by the Chair or
207 Committee member designated by him to administer oaths.

208 (e) At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts
209 alleged therein clearly and convincingly by the evidence that it introduces.

210 (f) The second phase of a disciplinary hearing shall consist of oral and/or written submission by counsel for the
211 Committee and counsel for the respondent as to the sanction the Committee should recommend to the House with respect to
212 any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase
213 two except by a vote of a majority of the Committee.

214 Rule 11 - Committee Recommendations.

215 (a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement
216 of Alleged Violation, the Committee shall consider each count contained in the statement and with respect to each count as
217 originally drawn or as amended shall vote either to find that the count has been proved or to dismiss the count. A count
218 shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved.

219 (2) If the Committee votes that a count has been proved, the Committee may, upon completion of the second
220 phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a
221 recommendation be made to the House for appropriate action respecting the violation charged in such count.

222 (b) With respect to any violation with which a member of the House was charged in a count which the Committee
223 has voted as proved, the Committee may include in its recommendations to the House one or more of the following
224 sanctions:

225 (1) Suspension or expulsion from the House.

226 (2) Censure.

227 (3) Reprimand.

228 (4) Fine.

229 (5) Any other sanction determined by the Committee to be appropriate.

230 (c) The Committee report accompanying a recommendation to the House adopted by the Committee under
231 paragraph (a)(2) respecting a violation charged in a count shall contain a statement of the evidence which supported the
232 finding as to that count and a statement of the Committee's reasons for the recommendation as well as a statement of the
233 Committee's reasons for finding that any count was not proved. The Committee shall cause a copy of the Committee's
234 report and the Statement of Alleged Violation to be served upon the respondent. The statement shall be the basis of the
235 House's consideration of the matter.

236 (d)(1) If the Committee votes to dismiss all counts of a statement and there are no dissenting votes, the statement
237 shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

238 (2) If there are any dissenting votes to the determination in paragraph (d)(1) of this subsection, the statement
239 shall be considered dismissed and neither the Committee nor the House shall take any further action with respect
240 thereto provided that the House shall consider the matter upon the written petition of any member of the House filed
241 with the Speaker and approved by a majority vote of all members of the House. If any such proceeding is initiated in
242 the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss.
243 The statement shall be the basis of the House's consideration of the matter and the dissenting members of the
244 Committee shall cause a copy of the statement to be delivered to the House and served upon the respondent.

245 Rule 12 - Disclosure of Evidence.

246 Upon the request of a respondent, the Committee may permit the respondent to inspect, copy or photograph books,
247 papers, documents, photographs or other tangible objects which the Committee intends to use as evidence against the
248 respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

249 Rule 13 - Exculpatory Information.

250 If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation
251 against a member of the House of any law, rule, regulation or other standard of conduct, it shall forthwith make such
252 information available to such member.

253 Rule 14 - Admissibility of Evidence.

254 (a) Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the
255 evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that
256 should be given to evidence will not justify its exclusion.

257 (b) The Chair or other member presiding at a hearing shall rule upon any question of admissibility at the hearing of
258 testimony or evidence presented to the Committee. The Chair or other member presiding may limit the presentation of

259 repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members
260 present.

261 Rule 15 - Witnesses.

262 (a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled
263 appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to
264 employ counsel should he so desire.

265 (b) Except as otherwise specifically authorized by the Chair, no member of the Committee or staff shall make
266 public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

267 (c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their
268 constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than
269 the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his
270 counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for
271 additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

272 (d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or
273 the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that
274 the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a
275 reasonable time or if the testimony or evidence would be merely cumulative.

276 (e) Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee.

277 PROCEEDINGS BEFORE THE HOUSE.

278 Rule 16 - Records of House Proceedings.

279 All papers filed in the House with respect to a proceeding involving an allegation of a violation of a Rule of
280 Legislative Conduct shall be made available for public inspection at reasonable hours except that no paper shall be made
281 available if its disclosure would violate any law or regulation.

282 Rule 17 - Special Procedures.

283 The House may adopt by Resolution any special procedures deemed necessary to a particular matter before the
284 House. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

285 Rule 18 - Consideration of Complaints by the House.

286 (a) If a Statement of Alleged Violation is served upon a respondent pursuant to Rules 8(c)(3), 9(f)(3), 11(c) or
287 11(d)(2), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or
288 motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

289 (1) An admission or denial of, under oath, each count set forth in the Statement plus any supportive evidence
290 and any other relevant information which the respondent may desire to submit.

291 (2) An objection to any count in the Statement on the grounds that it fails to state a fact which constitutes a
292 violation of a Rule of Legislative Conduct.

293 (3) An objection to the jurisdiction of the House to consider the allegations contained in the Statement.

294 (4) A motion for a bill of particulars.

295 (5) An objection to the participation of any member of the House in the consideration of the allegations
296 contained in the Statement on the grounds that the member cannot render an impartial or unbiased decision. The
297 member of the House against whom the objection is made shall be the sole judge of his qualifications. A motion under
298 this paragraph is not in lieu of an answer.

299 Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities.
300 Except for good cause shown, no pleading of motion not described in paragraphs (1) through (5) will be considered by
301 the House and the House will not consider any answer or motion in such paragraphs which is submitted under this rule
302 after the expiration of such 20 calendar days.

303 (b) As soon as practical after the receipt of any motion under subsection (a) of this rule, the House shall consider
304 such motion. Notice of the decision of the House respecting such motion shall be furnished the respondent. When the
305 House has acted on all motions submitted under paragraphs (2), (3) and (4) of subsection (a) of this rule, the respondent
306 shall in accordance with paragraph (a)(1) of this rule, submit, within ten (10) calendar days of the date of the last House
307 action, an answer to each count in the statement not dismissed by the House.

308 (c) Failure to submit, within the applicable time period, an answer to a count of a statement which has not been
309 dismissed by the House shall constitute an admission to the violation alleged in the count.

310 (d) The Speaker, in his discretion, may extend or shorten any time limitations imposed by this rule if he determines
311 that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special
312 circumstances.

313 (e)(1) As soon as practical after the expiration of all applicable time limitations for action under subsections (a)
314 and (b) of this rule, the House shall act, by the vote of the majority of the members, to:

315 a. Hold a disciplinary hearing on the violation charged in the statement; or

316 b. Defer action on the statement but only if there is a grand jury or judicial proceeding pending; or

317 c. Dismiss the statement or any counts thereof.

318 (2) The respondent shall be notified in writing of action taken under paragraph (1) of this subsection.

319 Rule 19 - Disciplinary Hearings.

320 (a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the
321 House to receive evidence respecting such violation. A disciplinary hearing shall consist of two (2) phases. The first phase
322 shall be for the purpose of determining whether or not the counts in the statement have been proved. The second phase shall
323 be for the purpose of determining what disciplinary action to take with respect to any count found to have been proved.

324 (b) At a disciplinary hearing the House may require, by subpoena or otherwise, the attendance and testimony of
325 such witnesses and the production of such books, records, correspondence, memoranda, papers, documents and any other
326 things as it deems necessary. Depositions, interrogatories and sworn statements taken under House direction may be
327 accepted into the House record.

328 (c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the House shall resolve
329 the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses.
330 During the course of the hearing the House may expand or contract the scope in light of evidence received.

331 (d)(1) The order of phase one of a disciplinary hearing shall be as follows:

332 a. The Speaker shall open the hearing by stating the House's authority to conduct the hearing, the purpose
333 of the hearing and its scope.

334 b. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received
335 in the following order whenever possible, (i) witnesses and other evidence offered by the committee staff, (ii)
336 witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

337 c. Witnesses at a hearing shall be examined first by the committee counsel or authorized staff member.
338 Members of the committee may then question the witnesses. The respondent or his counsel may then cross-
339 examine the witnesses. Redirect and recross may be permitted in the Speaker's discretion. With respect to
340 witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel and then
341 may be cross-examined by committee counsel or authorized staff member. Committee members may then question
342 the witness. Redirect and recross may be permitted in the Speaker's discretion.

343 (2) Testimony of all witnesses shall be taken under oath. The oath shall be administered by the committee
344 member designated by the Speaker to administer oaths.

345 (e) At a disciplinary hearing the burden of proof rests on the committee with respect to each count to establish the
346 facts alleged therein clearly and convincingly by the evidence that it introduces.

347 (f) Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the committee
348 and counsel for the respondent as to the sanction the House should impose with respect to any count of the Statement which
349 has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the House.

350 (g) The House by Resolution may establish rules by which members of the House other than members of the
351 Ethics Committee may participate in a disciplinary proceeding before the House.

352 Rule 20 - Findings; Sanctions.

353 (a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a
354 Statement, the House shall consider each count contained in the Statement and with respect to each count as originally
355 drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a
356 majority of the House vote for a motion that the count has been proved. A count which is not proved shall be considered as
357 dismissed by the House.

358 (2) If the House votes that a count has been proved, the House may upon completion of the second phase of
359 the disciplinary hearing, by a majority vote consider and vote on a motion that any of the following sanctions be
360 imposed respecting the violation charged in such count:

361 a. Suspension or expulsion from the House.

362 b. Censure.

363 c. Reprimand.

364 d. Fine.

365 e. Any other sanction determined by the committee to be appropriate.

366 A member of the House may not be suspended or expelled from the House unless by a vote concurred in by
367 two-thirds of the members.

368 Rule 21 - Disclosure of Evidence.

369 Upon the request of a respondent, the committee may permit the respondent to inspect, copy or photograph books,
370 papers, documents, photographs or other tangible objects which the committee intends to use as evidence against the
371 respondent in a disciplinary hearing before the House and which are material to the preparation of the defense of the
372 respondent.

373 Rule 22 - Exculpatory Information.

374 If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation
375 against a member of the House of any law, rule, regulation, or other standard of conduct, it shall forthwith make such
376 information available to such member.

377 Rule 23 - Admissibility of Evidence.

378 (a) Any evidence that is relevant and probative shall be admissible in any hearing before the House, unless the
379 evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that
380 should be given to evidence will not justify its exclusion.

381 (b) The Speaker or other member presiding at a hearing shall rule upon any question of admissibility at the hearing
382 of testimony or evidence presented to the House. The Speaker or other member presiding may limit the presentation of
383 repetitious evidence.

384 Rule 24 - Witnesses.

385 (a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled
386 appearance to allow him a reasonable period of time, as determined by the Speaker, to prepare for the hearing and to
387 employ counsel should he or she so desire.

388 (b) Except as otherwise specifically authorized by the Speaker, no member of the Committee or staff shall make
389 public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

390 (c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their
391 constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than
392 the respondent shall not be permitted to engage in oral argument before the House. After a witness has testified, his counsel
393 may submit to the Speaker in writing, any questions he wishes propounded to his client and any request for additional
394 witnesses or other evidence. Such request may be granted at the Speaker's discretion.

395 (d) The respondent may apply to the Speaker for the issuance of subpoenas for the appearance of witnesses or the
396 production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the
397 proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a
398 reasonable time or if the testimony or evidence would be merely cumulative.

399 (e) Each witness appearing before the House shall be furnished a printed copy of the Rules of the House.

SYNOPSIS

This Resolution sets forth the rules of procedure for ethics violations in the House of Representatives.