

PRE-HEARING CONT'D

- If a majority of the hearing panel determines the complaint does not comply with all the provisions of RMC 2.78.080 E1, then the Chair shall state the finding of deficiency on the record and call for a vote dismissing the complaint without a hearing.
- If a majority of the hearing panel determines that the complaint complies with RMC 2.78.080 E1, then the prehearing conference shall proceed.



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PRE-HEARING CONT'D

 If the hearing panel determines the complaint is in compliance, the hearing panel shall facilitate settlement discussions between the two parties and review tangible evidence to determine if it is relevant to the issues raised in the complaint. If it is determined, by a majority vote, that any such evidence is irrelevant, then such evidence will be deemed inadmissible at the hearing and shall be excluded.



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PRE-HEARING CONT'D

- The complainant shall have ten (10) minutes to verbally present to the hearing panel any and all evidence, both tangible and testimonial that will be presented at the hearing to prove the allegations. Complainant shall explain how the tangible evidence proves a violation of prohibited conduct.
- This presentation is for the complainant to convince the Hearing Panel that the complaint has merit and a formal hearing is necessary.



PRE-HEARING CONT'D

- The Hearing Panel shall determine, by a majority vote, whether the complainant has shown by the evidence, if taken as true, that more likely than not that there may be a potential violation of the Prohibited Conduct, the City Clerk shall set a hearing date within forty-five (45) City business days following the pre-hearing conference.
- The hearing panel may discuss and act upon whether or not any subpoenas are necessary to be issued by the hearing panel pursuant to RMC Section 2.80.040 (A)(5) and (B)(5)[super majority of 4 affirmative votes]. The hearing panel may set time limits for the parties to present evidence at the hearing on the complaint.

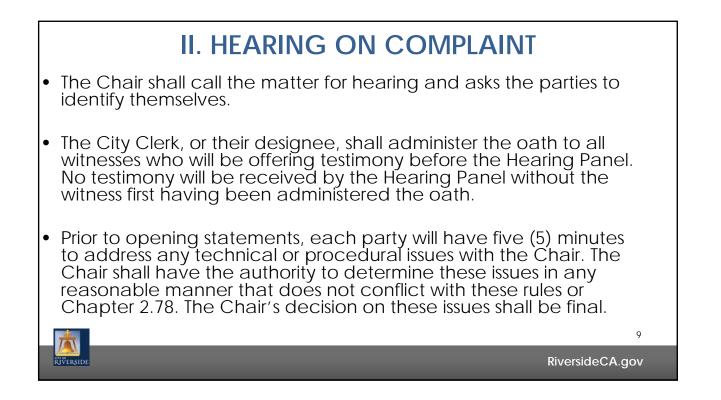


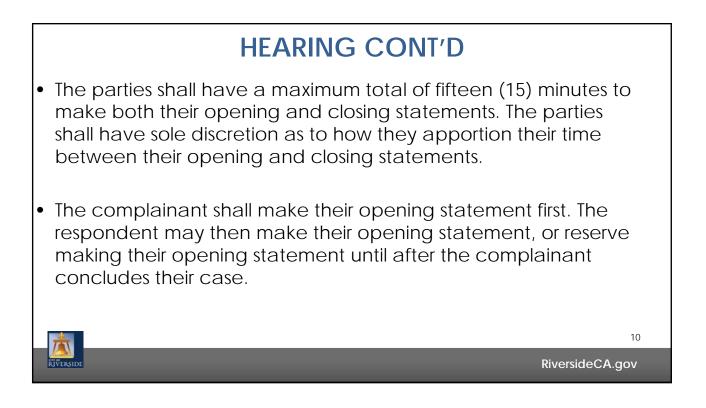
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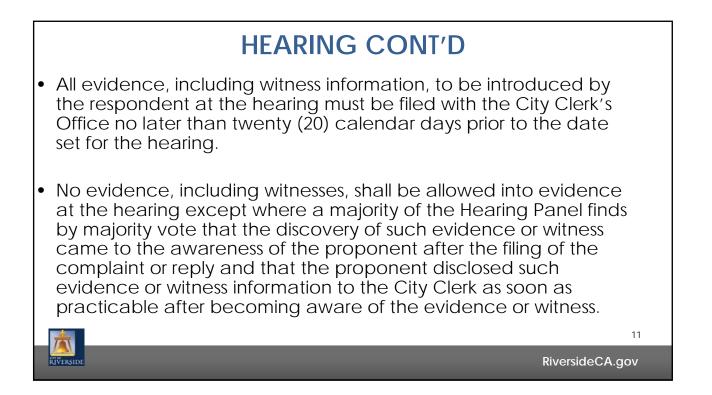
PRE-HEARING CONT'D

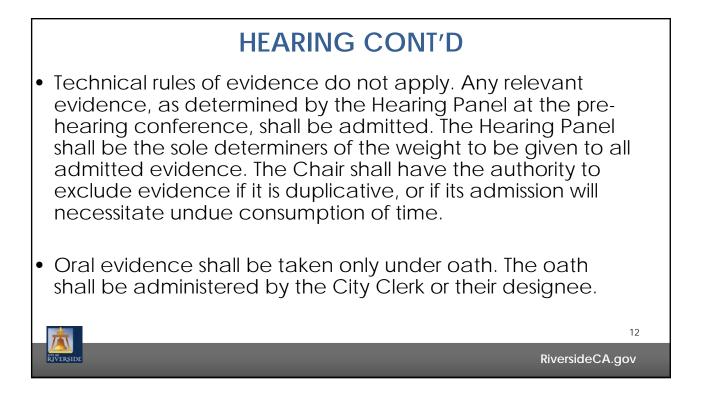
- If it is determined by the hearing panel that the complainant failed to establish that it is more likely than not that there may be a potential violation of the Prohibited Conduct section, the Chair of the hearing panel shall instruct the City Clerk to prepare a Statement of Findings for the hearing panel to adopt at the next regular meeting of the Board of Ethics. This statement of findings shall be considered the final decision of the hearing panel is immediately appealable to the City Council.
- No decision or ruling by the hearing panel at the pre-conference hearing is appealable to the City Council pursuant to RMC Section 2.78.090 Appeal Procedures until after there is a final decision by the hearing panel following a hearing on the complaint.

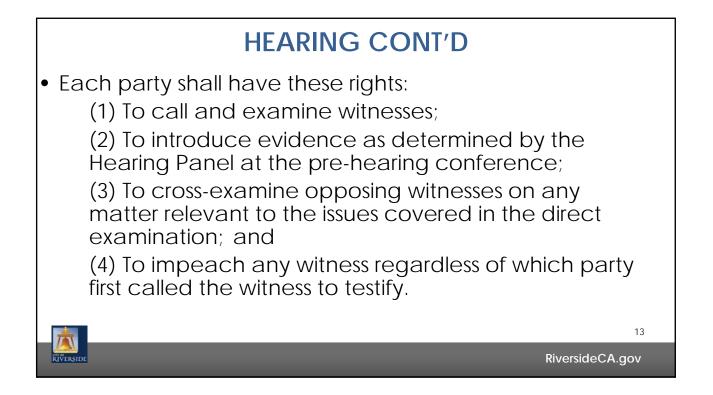


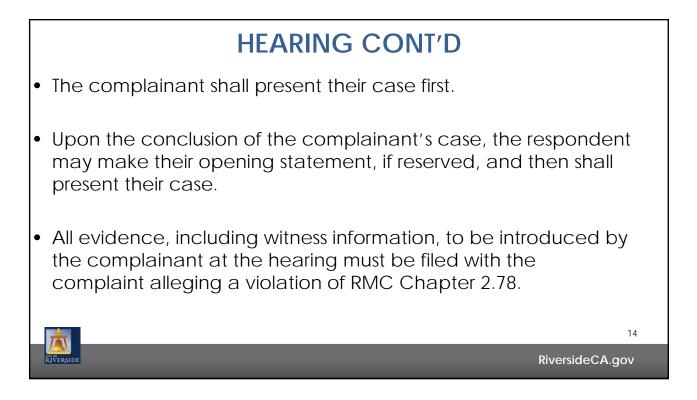


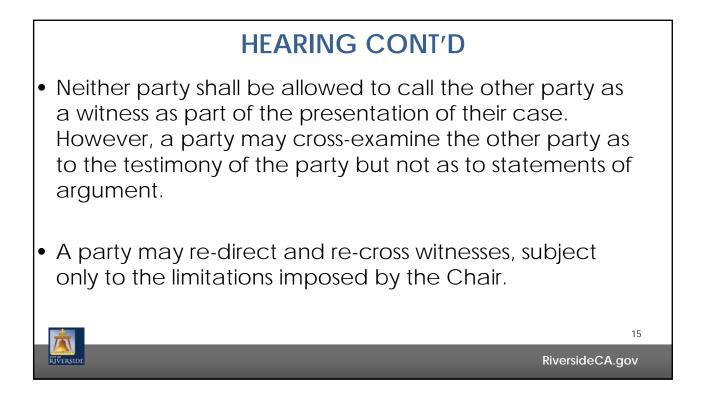


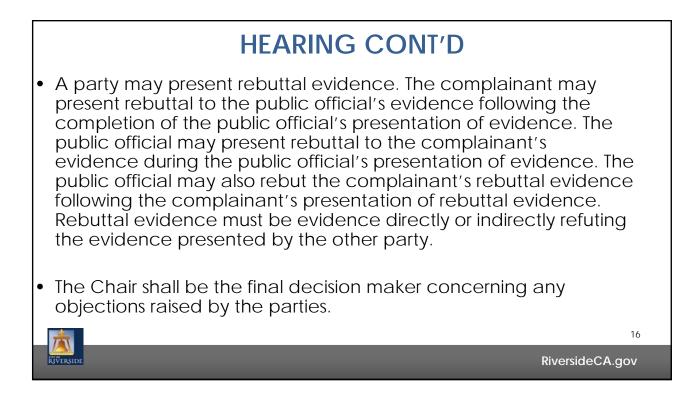


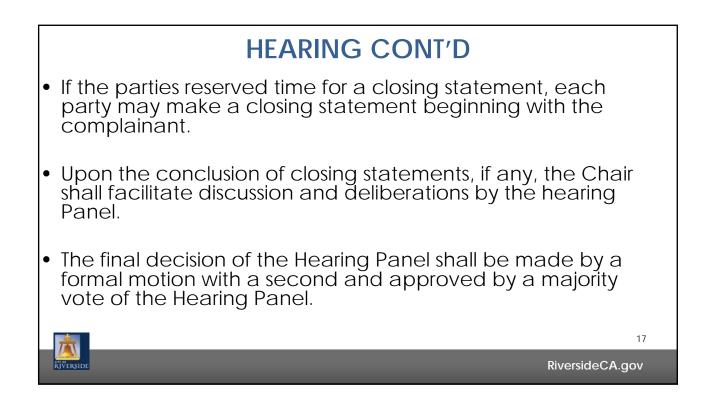


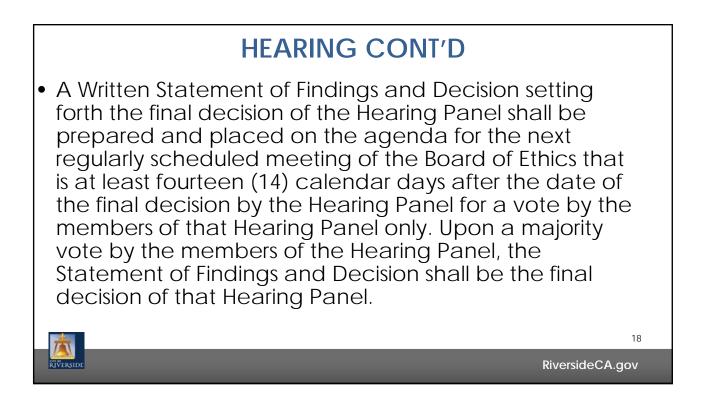












III. MISCELLANEOUS

- The complainant shall have the burden of proof by a preponderance of the evidence standard. Preponderance of evidence means evidence that is more convincing, and therefore, more probable in truth and accuracy.
- The Hearing Panel may set time limits for parties to present evidence at the hearing.
- During the hearing, any member of the Hearing Panel may ask questions of parties or witnesses.



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