

Rule 14 - Hearings and Investigations

14.10 Investigations

Investigations may be made by the Commission, by any commissioner designated by the Commission for that purpose, or by the Chief Examiner as the Commission may direct.

Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigating.

In the course of such investigation the Commission, designated commissioner, or Chief Examiner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts pertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered by a superior court judge in his/her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of Chapter 2.12 of the RMC and punishable as such.

14.20 Hearings

The procedure of any hearing or investigation may be informal and shall not be restricted so as to deny the introduction of any evidence that the Commission may deem pertinent. In the conduct of hearings neither the Commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the Commission or designated commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission, provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

Within thirty (30) days of the conclusion of the hearing the Commission shall make its report on such investigation, including findings and recommendations, and serve a certified copy thereof on the Mayor and the head of the department affected thereby, and shall file said findings and recommendation with the records of the Commission. All decisions, findings of fact, orders, rules and recombination arising from a hearing or investigation by the Commission shall be countersigned and filed as a permanent record

by the Chief Examiner. Any member may submit a minority or supplemental report which shall be filed with said records.

Unless incapacitated, a person pressing a claim or defending a privilege before the Commission shall appear personally and shall not be excused from answering questions and supplying information except upon claim of the constitutional privilege in respect to self-incrimination. If incapacitated, such a person shall present a deposition taken under oath.