

Sec. 1-92-30. Probable cause hearings

(a) The enforcement division of the Office of State Ethics may request a probable cause hearing at any time following the notice of complaint and shall provide notice of at least forty five days prior to the start of such probable cause hearing. The enforcement division may continue its preliminary investigation after providing notice of a probable cause hearing.

(b) In any notice of a probable cause hearing, the enforcement division will identify the complainants and respondents. Subsequent to the issuance of the notice of probable cause hearing no person before the Office of State Ethics other than a respondent has standing as a party in the proceeding except upon the express order of the Citizen's Ethics Advisory Board, its authorized designee, or of the judge trial referee.

(c) The enforcement division shall contact the chief court administrator prior to the date of commencement of any probable cause hearing, and request that the chief court administrator designate a judge trial referee to preside over the probable cause hearing.

(d) Not later than ten days prior to the commencement of any probable cause hearing, the enforcement division shall provide the respondent with a list of its intended witnesses. Not later than three days prior to the commencement of any probable cause hearing, the respondent shall provide the enforcement division with a list of the respondent's intended witnesses.

(e) At any probable cause hearing, the following rules shall be followed in the admission of testimony and exhibits:

(1) Any oral or documentary evidence may be received, but the judge trial referee shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The judge trial referee shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing.

(2) Documentary evidence may be received at the discretion of the judge trial referee in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies, pursuant to the provisions of section 52-180 of the Connecticut General Statutes.

(3) Cross-examination of witnesses shall be conducted in a manner that the judge trial referee deems necessary and appropriate for a full and true disclosure of facts.

(4) The judge trial referee may take administrative notice of judicially cognizable facts, including the records and the prior decisions, opinions, and orders of the Office of State Ethics or the State Ethics Commission.

(5) The judge trial referee may take administrative notice of generally recognized technical facts within the Office of State Ethics' specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed.

(6) The judge trial referee may permit any party or witness to offer testimony in written or recorded form. Such written or recorded testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that (A) the party or witness shall be present at the hearing at

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which his or her testimony is offered, and shall adopt the written or recorded testimony under oath, and shall thereafter be made available for cross-examination; or (B) the parties so agree. Prior to its admission such written or recorded testimony shall be subject to objections by parties.

(7) In hearings conducted under this section, the party that shall open and close the presentation of the case shall be a member of the staff of the enforcement division.

(Effective June 29, 1988; Amended January 2, 2008; Amended June 24, 2009; Amended May 11, 2023)