

FOR OFFICIAL USE ONLY

ETHICS HEARING BOARD- CITY OF PITTSBURGH

COMPLAINT FORM

1. Identify the person you are complaining about:

Name: Ethics Hearing Board Code , and, if necessary, each member of the Ethics Hearing Board.

Office Address: City of Pittsburgh, Ethics Hearing Board, City-County Building, Grant Street, Pittsburgh

Position or Title: Ethics Hearing Board Members

Phone: Law Department is 412-255-2010

2. Explain in detail why you believe that the individual named above may have violated the City provisions. Attach additional sheets of paper if necessary.

The “complaint form,” generated by the Ethics Hearing Board, is itself unethical. A review of this form and related policies by the Ethics Hearing Board is necessary. This complaint calls for the Ethics Hearing Board to strike down the concept of imposing secrecy onto citizens who file complaints with the Ethics Hearing Board. These unconstitutional requirements expressed on the complaint form of the Ethics Board take away First Amendment Rights. Free speech is important, if not essential to give courage to those who seek to complain. Furthermore, the policy and practice of confidentiality is unproductive in its aim of improving ethical behaviors.

The best disinfectant is sunshine. This form works against the best disinfectant.

Rights need to be protected, not compromised. Free speech should not be silenced by members of the Ethics Hearing Board. The practice seeking confidentiality in Section 197.14 section (a) (2) is unethical and hinders the ultimate aim of making for a more ethical behaviors in our city and region. Leveraging an unethical tool can not yield better ethics.

The burden of “wrongful use” and resulting “liabilities” that reside within the code works to deny rights of whistle blowers. The Ethics Hearing Board should never wrongfully punish and threaten all citizens who file complaints.

Gagging citizens who file complaints undermines the operations of the Ethics Hearing Board. Citizens do not wish to file complaints and loose power themselves. The Ethics Hearing Board mandates the removal of rights of those who make a complaint yet the board has no budget to investigate and uncover incidents of bad judgment and injustice. Furthermore, efforts for discovery can't occur, nor should they be necessary, by citizens alleging violations. Digging for dirt and obtaining real evidence should fall withing the realm of real courts where damages are measured in financial amounts. Unethical charges that are put before the Ethics Hearing Board are ones with more fleeting dollar amount damages.

Sins to the soul of the city should be heard with the Ethics Hearing Board so citizens are able to gain with an increase of empowerment, not a decrease of rights. The Ethics Hearing Board exists so those with an upper hand in governmental roles can come to expect more scrutiny concerning better ethical behaviors by more empowered citizens.

Some acts of the Ethics Hearing Board could be for prevention purposes. Citizen complaints could be filed in advance of trouble as certain sticky situations loom large. This type of complaint is not going to materialize under a threat of perjury as stated on the complaint form.

Confidentiality has a role to play in society with ethics with journalists. This confidentiality protects media sources. The right of the media to keep sources from being revealed is not to be questioned. A confidentiality pact among journalist and citizens works so that government is kept at a distance. However, this code of the Ethics Hearing Board turns confidential behavior on its head. Rights are lost. The tool of confidentiality should not be for government to deploy upon citizens. As government uses its power to muzzle citizens, few will opt into that process and worse, residents will continue to move out of the city. Rather, governmental officials and public employees have a duty to be open, more transparent and ethical.

Hence, I challenge the Ethics Hearing Board to be introspective and change its own policies. And, I do so in the open for all to see. The city will be more ethical should this provision be removed. Allow people to speak freely. I will continue to speak freely even after a submission of a complaint to the Ethics Hearing Board.

Furthermore, additional complaints are being passed to the ethics hearing board to establish standing beyond this complaint. I may choose to talk and post about those matters. And, I reserve the right to make additional remarks as attachments to these specific matters.

3. Attach or make reference to any documents, materials, minutes, resolutions or other evidence which support your allegations.

The best evidence to support the removal of the confidential clause is within the entire scope of the minutes of the Ethics Hearing Board since its inception when Sophie Masloff was mayor. Obviously, the depth and scope of this entity's history is scant. Complaints are not being put to the board by citizens, in part, because of a its confidentiality clause.

Obtaining a blank "complaint form" in a digital format from the Ethics Hearing Board was difficult. It was not posted to the web site. Calls to 3-1-1 were meant with puzzled replies. Notice from the Ethics Hearing Board on how to make a complaint needs an overhaul.

The Ethics Hearing Board Complaint Form of September 2007 has been obtained via email attachment from a Law Department employee and is posted on the internet at: http://docs.google.com/Doc?docid=ddznxj6h_246hb9rx7&hl=en or search my blog at Rauterkus.blogspot.com.

I reserve the option of attaching additional materials to this document at a later date.

4. Sworn to and subscribed before me this I swear or affirm, under penalty
____ day of _____, or perjury that the facts set
forth in this complaint are

_____ true and correct to the best of

(Notary Public) my knowledge, information and
My Commission expires: belief.

Send completed form to:
Ethics Hearing Board
City of Pittsburgh Department of Law
313 City-County Building
414 Grant Street
Pittsburgh, PA 15219
(412) 255-2015

Signature _____
Print Name: Mark Rauterkus

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Pittsburgh, PA 15203

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Mark@Rauterkus.com