

**THE CITY OF DETROIT OFFICE OF INSPECTOR GENERAL
RULES FOR THE CONDUCT OF HEARINGS HELD PURSUANT TO CHAPTER 3 OF
ARTICLE 7.5 OF THE 2012 DETROIT CITY CHARTER**

Pursuant to Section 7.5-311 and Section 2-111 of the 2012 Detroit City Charter, the City of Detroit, through its independent Office of Inspector General (the “OIG”), adopts the following Rules for conducting hearings pursuant to Chapter 3 of Article 7.5 of the 2012 Detroit City Charter (the “Charter”).

APPLICABLE CHARTER PROVISIONS

Article 7.5 Independent Departments and Offices, Chapter 3. Office of Inspector General, provides the Charter provisions relative to the OIG.

Section 7.5-305 of the Charter sets forth the jurisdiction of the Inspector General. It specifies that the powers and duties “shall extend to the conduct of any Public Servant and City agency, program or official act, contractor and subcontractors providing goods and services to the City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program.”

Section 7.5-311 of the Charter provides that “1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel. In accordance with section 2-111 of this Charter, the Inspector General will promulgate procedural rules for hearings. 2. After the hearing, if the Inspector General believes it necessary to make a formal report, a copy of any statement made by an agency or person effected shall accompany the report.”

Section 2-105(A)(24) defines “Official Act” as “any action, omission, decision, recommendation, practice, or procedure of any agency.”

Section 2-105(A)(1) defines “Agency” as “where appropriate and unless indicated otherwise, one or all of the following: any department, office, multi-member body, subdivision of the Legislative branch of City government or other organization of city government and includes any elective officer, appointee, employee, or person acting or purporting to act in the exercise of official duties.”

AVAILABILITY, SCHEDULING AND NOTICES OF HEARING

1. ***Duty to Report Illegal Acts.*** If during the course of an investigation, the Inspector General has probable cause to believe that any Public Servant or any person doing or seeking to do business with the City has committed or is committing an illegal act, the matter shall be promptly referred to the appropriate prosecuting authorities. A recommendation/report to the appropriate prosecuting authorities does not invoke a person’s right to an administrative hearing.

2. **Availability.** Where the OIG has conducted an investigation and its findings, whether a report or recommendation, criticize an official act as defined by the Charter, no such report or recommendation may be announced or made public until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel. An affected agency or person may also submit a written response to the OIG in lieu of or in addition to a hearing. Pursuant to Section 7.5-311(2) of the 2012 Detroit City Charter, any statements made shall accompany the OIG materials if the Inspector General elects to issue a formal report.
3. **Purpose.** The purpose of the hearing is to permit an affected agency or person an opportunity to present testimony and any supporting information in response to the OIG findings. The hearing is not an adversarial process and shall not be conducted as such. The affected agency or person may submit a written response, including any supporting information, in addition to or in lieu of the request for a hearing.
4. **Timing and Scheduling.** Where the OIG has forwarded its findings to an affected agency or person that agency or person must submit a written request for a hearing within fourteen (14) calendar days from the date of the findings, or such hearing shall be waived. Hearings shall be scheduled no later than forty-five (45) calendar days from the date of the receipt of the written request for a hearing. The location, date and time for the hearing shall be scheduled by the staff of the OIG. The affected agency or person shall be notified by certified mail of the date, place, and time of the hearing.
5. **Conduct of Hearing and Attendees.** The Inspector General, or the Deputy Inspector General, shall conduct the hearing. Hearings shall be closed to the public and are not subject to the Open Meetings Act, MCL 15.261 *et seq.* Attendees are limited to OIG staff, the affected agency or person including counsel, and witnesses providing testimony. The identity and purpose/role of any additional attendees must be coordinated through and approved by the OIG at least five (5) business days in advance of the scheduled hearing date. Examples of additional attendees include an interpreter or union representative.

HEARING AND DISPOSITION PROCEDURE

6. **Representation by Counsel or In Pro Per.** An affected person may represent himself or herself, or may be accompanied and represented by an attorney who is licensed to practice law in the State of Michigan. An affected agency, corporation or any other artificial entity may represent itself through a duly authorized representative, officer, agent or may be accompanied and represented by an attorney who is licensed to practice law in the State of Michigan.
7. **Hearing Record.** Each hearing shall be recorded by electronic or stenographic means to preserve the evidence.
8. **Oath of witnesses.** All witnesses, including the affected agency or person, shall be placed under oath prior to the commencement of their testimony.

9. **Professionalism.** The hearings shall be conducted in a professional manner.
10. **Presentation and Admission of Evidence.** The admission of evidence shall not be limited by the Michigan Rules of Evidence during the conduct of the hearings, except for those Rules with respect to privilege which are governed by common law as modified by statute or court rule. The Inspector General or the Deputy Inspector General conducting the hearing are free to question the hearing participants, directly or through an attorney.
11. **Written Responses.** An affected agency or person may submit a written response to the OIG report or recommendation that criticizes an official act. This written response may be submitted in lieu of or in addition to a hearing. Any written response must be accompanied by a notarized affidavit attesting to the veracity of the statement under oath.
12. **Issuance of Report.** If the Inspector General elects to issue a formal report based on the findings from the investigation, a copy of any written response and/or a transcript of the hearing shall accompany the report. If the Inspector General elects not to issue a formal report, the affected agency or person shall be notified in writing.
13. **Supplemental Information.** Where deemed necessary, the Inspector General may require additional information from an affected agency or person. This information, if requested, shall be submitted within seven (7) calendar days from the conclusion of the hearing or, if no hearing is requested, within seven (7) days of the Inspector General's written request for the information.
14. **Official Record.** Within thirty (30) calendar days of the hearing or within ninety (90) days of the hearing if the OIG determines that additional information or investigative action is required, the OIG shall prepare an official record of the hearing and close its file. The official record shall include the notice of hearing, OIG report, response from the affected agency or person, all documents submitted by the affected agency or person, and a transcript of the evidence presented at the hearing. One (1) copy of the official record shall be provided to the affected agency or person and one (1) copy shall remain in the OIG file.

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