Complaint Received from "Any Person"

NJAC 7:26I-7.3(a) & (b)

Board Staff acknowledges receipt of Complaint to Complainant, and notifies Subject of the Complaint NJAC 7:26I-7.4(a)1

Board Staff redacts Complaint & forwards to PCC with preliminary memo

NJAC 7:26I-7.4(a)2 & 3

PCC reviews Complaint NJAC 7:26I-7.4(b)

PCC finds no grounds for investigation NJAC 7:26I-7.4(b)

Board staff prepares summary memo from PCC to Board recommending dismissal NJAC 7:26I-7.4(d)

PCC forwards to Board with recommendation to dismiss complaint NJAC 7:26I-7.4(d)

PCC finds grounds for investigation. NJAC 7:26I-7.4(b) From this point, the complaint investigation shall proceed regardless of whether the Complainant withdraws the Complaint.

PCC appoints CRT. NJAC 7:26I-7.4(c)

CRT appointees certify no conflict NJAC 7:26I-7.5(a)&(b)

Board Staff notifies Complainant and Subject of intent to investigate, provides Subject with Complaint and requests response NJAC 7:26I-7.5(c)

CRT gathers pertinent information; performs interviews; examines applicable data, reports, or files. CRT proceeds with investigation as it determines appropriate. NJAC 7:26I-7.5(e),(f) & (g)

CRT prepares CRT to PCC Memo, including Executive Summary, which details the salient considerations and facts and potential violations. NJAC 7:26I-7.5(h)

PCC considers recommendation and determines the type of disciplinary action/sanction to be recommended to the Board. NJAC 7:26I-7.5(i) and 7.7

PCC accepts CRT recommendations with or without modification

PCC rejects CRT recommendations

PCC requests CRT to reconsider its
recommendations. If after first request, the CRT
reaches the same result and the PCC again disagrees,
PCC may overrule CRT and make own
recommendation to Board

Board discusses recommendation in closed session. If PCC presented Complaint with a recommendation to dismiss without formation of CRT, Board may decide to remand to PCC to form CRT to conduct investigation. NJAC 7:26I-7.4(d)2

Board staff prepares PCC to Board memo per NJAC 7:26I-7.5(i). Memo also sent to DAG

Board discusses recommendation in closed session. Board may request PCC to reconsider its recommendations. If after first request, the PCC reaches the same result and the Board again disagrees, Board may overrule PCC. NJAC 7:26I-7.6(b)1

Board takes straw poll at a subsequent Board Meeting Closed Session. Straw poll may be conducted during Closed Session of meeting when initially presented, but is discouraged, unless no questions or changes to recommendations. NJAC 7:261-7.6(a)

Board reaches decision NJAC 7:261-7.6(b)2 or 3

Dismissal of Complaint NJAC 7:26I-7.6(b)

Finding of no violation NJAC 7:26I-7.5(b)2

Finding of violation with / without penalty NJAC 7:26I-7.5(b)3

Board decision acknowledged and approved by motion and vote in Open Session

Complainant and Subject notified of Board's decision and disciplinary documents (if any) prepared and reviewed by DAG NJAC 7:26I-7.4(d)1 and 7.6(c)

Decision posted on Board's website NJAC 7:26I-7.4(d)1 and 7.6(e)

February 9, 2022