

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8561. Powers and Duties.

In addition to other powers and duties specifically mentioned in this chapter, the Public Auditor shall have the following powers and duties:

(a) To initiate and to receive complaints of violations of any of the provisions of this chapter and to investigate and act upon any such complaints as provided by this chapter. If the Public Auditor receives a complaint alleging a violation or other misconduct by a public official or a public employee of the legislature, the Public Auditor shall, within two days after receipt thereof, transmit a copy of such complaint to the standing committee of the legislature having jurisdiction over such complaints.

(b) To conduct investigations, inquiries, and hearings concerning any matter covered by this chapter, subject to the limitation expressed in the preceding subsection, and to certify his or her own acts and records. In the process of investigating complaints of violations of this chapter, the Public Auditor may request a subpoena in accordance with Commonwealth law. The Public Auditor may exercise appropriate discretion in determining whether to investigate and whether to act upon any particular complaint or conduct. If the Public Auditor decides not to investigate, the reasons for that decision must be stated as a written report. When the Public Auditor determines that assistance is needed in conducting investigations, or when required by law, the Public Auditor shall request the assistance of other appropriate Commonwealth governmental entities.

(c) To require the cooperation of Commonwealth governmental entities, officials, employees and other persons whose conduct is regulated by this chapter in investigating alleged violations of this chapter. Information reasonably related to an investigation shall be made available to the Public Auditor by such persons on written request.

(d) To consult with Commonwealth governmental entities, officials and employees on matters involving ethical conduct.

(e) To recommend such legislative action as he or she may deem appropriate to effectuate the policy of this chapter.

(f) To conduct research in the field of governmental ethics and to carry out such educational programs he or she deems necessary to effectuate the policy and purpose of this chapter.

(g) To promulgate rules and regulations for the conduct of the Public Auditor, including procedural rules consistent with the requirements of due process of law.

(h) To prescribe forms for the disclosure and registration of information as provided in this chapter.

(i) To prepare and publish an annual report summarizing the Public Auditor's activities and to present such report to the Governor and the legislature.

(j) To render advisory opinions with respect to the provisions of this chapter based upon a real or hypothetical set of circumstances when requested in writing by a public official or public employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for opinion shall be confidential.

Source: PL 8-11, § 1 (§ 8461), modified.