

	Policy:	Administrative Monetary Penalties System Conflict of Interest Policy		
	Department:	Clerk		
	Administered By:	Clerk's Office	Effective Date:	
	Replaces:	N/A		
	Attachment(s):	N/A		

POLICY STATEMENT

The conflict of interest guidelines are to ensure that the AMPS program is conducted in accordance with fundamental principles of justice. These principles include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

PURPOSE

This policy is intended to set guidelines to define what constitutes as a conflict of interest in relation to the administration of the Administrative Monetary Penalties System (AMPS).

DEFINITIONS

“AMPS By-law” means the Administrative Monetary Penalties System By-law adopted by the Town, as amended or replaced from time to time;

“Direct Pecuniary Interest” is an interest that clearly has an impact on a Screening Officer's, Hearing Officer's, or Town staff's finances or property value. This impact may be positive (in the form of a gain) or negative (a loss)

“Indirect Pecuniary Interest” is an interest that pertains to a Screening Officer, Hearing Officer, or Town staff if they are a business partner of a person or in the employment of a person or body that has a pecuniary interest in the matter, and includes situations where the Screening Officer, Hearing Officer, or Town staff is a shareholder, director or senior officer of a private corporation; has a controlling interest in or is a director or senior officer of a publicly-traded company; or is a member of a body that has a pecuniary interest in the matter

“Deemed Pecuniary Interest” is an interest that has direct or indirect financial interest of a parent, the spouse or any child of the Screening Officer, Hearing Officer, or Town

staff, if the Screening Officer, Hearing Officer, or Town staff knows about the pecuniary interest

All other capitalized terms used in this Policy have the meanings ascribed to them in the AMPS By-law.

SCOPE

This policy applies to all Screening Officers, Hearing Officers and all Town staff involved in the administration of the AMPS program.

POLICY

The keys to preventing any real or perceived conflicts of interest are identification, disclosure and the withdrawal from decision making positions including acting as a Screening Officer or Hearing Officer in the matter where the conflict or perceived conflict has been identified.

Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Town staff involved in the administration of the AMPS program has a direct pecuniary interest, indirect pecuniary interest, or a deemed pecuniary interest.

In making this determination, the Town Clerk, may consult with the Town's Solicitor. Every Screening Officer, Hearing Officer, and Town employee involved in the administration of AMPS, shall disclose to the Town Clerk any conflict of interest that they may have. This includes potential or any conflict of interest that might be perceived as conflicting with their duties to or interests in the administration of the AMPS program.

If the Town Clerk has a conflict, they shall address that conflict with the Chief Administrative Officer or designate.

Additionally, a Screening Officer or Hearing Officer shall not represent any person at a screening review or hearing review.

In the case of a scheduled review of a Penalty Notice or a Screening Decision that has or has not yet commenced, the Town Clerk can request an alternate Screening Officer or Hearing Officer to conduct the review to avoid actual, potential, or perceived conflicts of interest.

Neither a Screening Officer nor a Hearing Officer should request a review or appeal an Administrative Penalty. They are expected to pay any Administrative Penalty which is required to be paid pursuant to a Penalty Notice issued to the Screening Officer or Hearing Officer in a timely manner.

COMPLIANCE

In cases of Policy violation, the Town may investigate and determine appropriate corrective action.

POLICY COMMUNICATION

This Policy shall be posted on the Town's website. Employees shall be advised of the new Policy via distribution to Human Resources and this Policy shall form part of the orientation for all Screening Officers, Hearing Officers and AMPS enforcement and administration employees.

RELATED DOCUMENTS/LEGISLATION

- Municipal Freedom of Information and Protection of Privacy Act
- AMPS By-law