

**CITY OF ALBUQUERQUE
HEARING OFFICER CODE OF CONDUCT**

1. TITLE:

1.1 This Code of Conduct may be cited as the City of Albuquerque Hearing Officer Code of Conduct.

2. AUTHORITY AND SCOPE:

2.1 The City of Albuquerque Hearing Officer Code of Conduct is promulgated pursuant to ROA 1994, §2-7-8-3 hereinafter the “IHO Ordinance”.

2.2 In the event the City of Albuquerque Hearing Officer Code of Conduct conflicts with any provision of the IHO Ordinance, the provision of the IHO Ordinance shall control, unless a more specific statutory or regulatory provision applies to the specific hearing type being conducted.

2.3 This Code of Conduct applies to all hearing officers and staff who are employed or contracted with the Independent Hearing Office.

3. DEFINITIONS:

3.1 “**Chief Administrative Hearing Officer**” means the hearing officer acting as the chief administrative hearing officer of the IHO appointed pursuant to ROA 1994, §2-7-8-6.

3.2 “**Hearing Officer**” means any hearing officer retained by the Office of the City Clerk as a hearing officer as an employee, or by contract in accordance with ROA 1994, §2-7-8-6(C).

3.3 “**Independent Hearing Office**” or “**IHO**” means the Independent Hearing Office established pursuant to ROA 1994, §2-7-8-2.

3.4 “**Office of Administrative Hearings**” or “**OAH**” means the “Independent Hearing Office” or “IHO.”

3.5 “**Party**” means the real parties of interest and their representatives, including bona fide employees, attorneys, enrolled agents, City department staff, the City Attorneys or their designee, or other representatives authorized by the applicable law governing the hearing to appear on behalf of a party.

4. HEARING OFFICERS SHALL PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND FAIRNESS OF THE HEARING PROCESS:

4.1 A hearing officer shall act in a manner that promotes public confidence in the fairness, integrity, and impartiality of the hearing process. A hearing officer shall not abuse the public trust granted to the hearing officer in adjudicating hearings to advance the hearing officer’s personal, professional, economic interest; or the interests of the hearing officer’s family, friends, or current or former business associates; nor shall the hearing officer knowingly permit others to do the same on the hearing officer’s behalf.

5. DUTY TO HEAR ASSIGNED CASES:

5.1 A hearing officer has a professional responsibility to hear and decide cases assigned to them, including difficult, time consuming, controversial, or high-profile matters, and adjudicate all assigned cases unless there are clear grounds under this code or other applicable standards or law requiring disqualification.

6. HEARING OFFICER COMPETENCY:

6.1 Hearing officers shall perform their duties diligently and competently. Hearing officers should know, and have the capacity to apply the applicable substantive and procedural law at issue in the hearing, including standards governing due process and evidence.

7. AVOIDING CONFLICT AND THE APPEARANCE OF A CONFLICT:

7.1 A hearing officer shall avoid conflicts and the appearance of a conflict. An appearance of conflict occurs whenever a reasonable person would have serious doubts about whether the hearing officer could be fair given the circumstances.

7.2 A hearing officer who discovers they have a conflict, or appearance of a conflict, shall disclose such conflict and follow the procedures in ROA 1994, §2-7-8-8. The rule of necessity may require a hearing officer to proceed in the matter if there is no other hearing officer available to conduct the hearing before expiration of a mandatory or jurisdictional deadline.

7.3 The hearing officer may consult with other hearings officers and the chief administrative hearing officer about any conflict or appearance of conflict issues as part of the process of determining whether the assigned hearing officer can continue presiding over a matter.

8. INDEPENDENCE:

8.1 In deciding matters, a hearing officer shall be faithful to their reasonable understanding of controlling law.

8.2 A hearing officer shall not be swayed by partisan interests, public clamor, or fear of criticism. Hearing officers shall not permit family, social, political, financial, or other personal interests or relationships to influence their conduct or judgment. A hearing officer shall not convey the impression that any person or organization is in a position to improperly influence the hearing officer.

8.3 This provision is not intended to prevent a hearing officer from consulting and discussing a pending matter with other hearing officers or a chief administrative hearing officer within the IHO.

9. ORDER AND DECORUM OF PROCEEDING:

9.1 A hearing officer should require order and decorum in official proceedings. Hearing officers should exercise their lawful authority in any proceeding to ensure that all persons involved conduct themselves with proper decorum.

9.2 A Party appearing before the hearing officer should treat the tribunal with appropriate professionalism, dignity and respect, including showing candor to the tribunal, in line with their own obligations for professional and ethical conduct. Failure to do so may result in reporting a representative to the appropriate governing body and other appropriate remedies needed to ensure an orderly hearing process.

10. HEARINGS TO BE CONDUCTED WITH IMPARTIALITY:

10.1 Hearing officers should always strive to conduct proceedings before them in an impartial, fair, and respectful manner. This requires a hearing officer to treat all persons involved in the proceeding, including the appealing or petitioning parties and their representatives, witnesses, interpreters, interveners, observers, and any other person who appears before the hearing officer with appropriate respect.

- 10.2** It is not a violation of this provision for hearing officers: to reasonably ask questions during the proceeding; to reasonably state what they believe the legal analysis applicable to the case requires in order to ensure an orderly, relevant, and efficient presentation of the case; to reasonably press a party on their legal position during the course of the proceeding in order to test the contours of an issue; to reasonably encourage resolution or narrowing of the issues in a case; and to take other reasonable actions necessary to ensure the conduct of an orderly hearing,
- 10.3** A hearing officer shall take reasonable measures to gain control of a hearing if a party, observer, witness, or any other person violates the decorum of the proceeding, such as but not limited to reprimanding a participant for continuing inappropriate, disrespectful, or disruptive conduct.
- 10.4** So long as no confidential or privileged information about a case or the identities of the parties is disclosed, a hearing officer may consult with other hearing officers, other staff, ethics advisory committees, legal counsel, judges who will not serve in an appellate capacity in the matter, mentors, or other legal experts concerning the hearing officer's obligations and compliance with provisions of this code without disclosing such communication to any person or party.

11. HEARINGS TO BE CONDUCTED WITHOUT BIAS, PREJUDICE, OR HARASSMENT:

- 11.1** A hearing officer shall not, by words or conduct, show any bias or prejudice, or harass any party or person present at a hearing.
- 11.2** To the extent reasonably possible, a hearing officer shall not permit or allow others involved in the hearing process, including the hearing officer's staff or representatives of the parties, to engage in such bias, prejudice, or harassment. A hearing officer and others may make legitimate and respectful reference to, and discuss, the language and facts when they are relevant to an issue in the proceeding.

12. PUBLIC STATEMENTS ON PENDING MATTERS:

- 12.1** A hearing officer shall not make any public statement about a pending matter that might reasonably be expected to affect the outcome, or impair the fairness of, any proceeding.
- 12.2** A hearing officer shall not publicly comment on any case in which the hearing officer presided over other than, upon inquiry, refer to any publicly available final decision and order, if any, issued in the matter.
- 12.3** A hearing officer may make public statements to explain tribunal procedures and confirm basic status and scheduling details for a hearing that is statutorily open to the public.
- 12.4** A hearing officer shall not disclose, or use nonpublic information acquired by virtue of their position for any purpose unrelated to the hearing officer's duties, or in violation of the law. A hearing officer shall be knowledgeable about, and shall comply with, all laws and regulations governing confidentiality of information before the IHO.

13. PERSONAL CONDUCT:

13.1 Hearing officers shall not participate in outside activities that will interfere with the hearing officer's official duties or participate in activities that will lead to frequent disqualification of the hearing officer.

13.2 The hearing officer must be knowledgeable about, and comply with, all statutes, ordinances, and regulations.

13.3 A hearing officer shall not accept any gifts, loans, bequests, benefits, donations, or things of value if acceptance is prohibited by law or would appear to a reasonable person to undermine the hearing officer's integrity or impartiality in performance of hearing officer duties, or if the source is a party or other person, including a lawyer, who has or is likely to come before the hearing officer.

14. COMPLIANCE WITH ETHICAL RULES:

14.1 Hearing officers should work to ensure that the staff of the IHO comply with this Code of Conduct.

15. EFFECTIVE DATE AND FILING:

15.1 These rules shall become effective on the date signed by the Chief Administrative Officer and shall be filed in the Office of the City Clerk.

*****END OF DOCUMENT*****

RECOMMENDED:

DocuSigned by:

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Ethan Watson
City Clerk

2/20/2025 | 4:05 PM MST

Date

APPROVED AS TO FORM:

DocuSigned by:

1A21D96D32C74EE...
Lauren Keefe
City Attorney

2/22/2025 | 2:10 PM MST

Date

APPROVED:

DocuSigned by:

BC2424C09B8741A...
Dr. Samantha Sengel
Chief Administrative Officer

2/20/2025 | 11:45 PM MST

Date