COMMISSION ON PROSECUTORIAL CONDUCT
POLICY MANUAL
2026

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SECTION 1: PURPOSE

The Commission on Prosecutorial Conduct ("the Commission") is dedicated to investigating prosecutorial conduct in New York State, serving to strengthen oversight of New York's prosecutors, and to hold them to the highest ethical standards in the exercise of their duties.

This policy manual is intended to accompany the Commission's Operating Rules and Procedures and Judiciary Law Sections 499-a – 499-j.

SECTION 2: COMPLAINTS

2.1 Complaints

A complaint is a written communication signed and, if directed by the commission, verified by the complainant, making an allegation about a prosecutor's conduct pursuant to Judiciary Law §§ 499-a and 499-f, or an administrator's complaint.

2.2 Complaint Form

All complaints must be in writing and signed. Complaints may be submitted online on the Commission's website or mailed to:

Commission on Prosecutorial Conduct

39 Broadway, Suite 720

New York, NY 10006

2.3 Anonymous Complaints

While all complaints should be in writing and signed, in the event the Commission receives an anonymous complaint, the Commission may use the information contained in such complaint as a basis to initiate an investigation. In such an instance, an administrator's complaint will be filed pursuant to Judiciary Law § 499-f(2).

2.4 Preliminary Review

All new complaints against prosecutors that relate to a prosecutor's conduct or the performance of the prosecutor's official duties will be reviewed by Commission staff, who will conduct an initial review and prepare a summary, an analysis, and a recommendation to the Commission. An initial review may include a clarification with the complainant or any other party related to the complaint, and may include a request for supplemental materials to further the initial review.

a. Preliminary reviews are conducted with the intended purpose of providing the Commission with an informed basis for which to consider whether a complaint should be dismissed or opened for an investigation.

b. A complainant may withdraw a complaint, but the Commission may still proceed to conduct a preliminary review and open an investigation if deemed necessary.

c. The Administrator may present memoranda to the Commission recommending an investigation of a complaint on the Commission's own motion, which may be based on news articles, public records or reports or other information alleging or indicating possible prosecutorial misconduct including an anonymous complaint as set forth in §2.3. Upon the Commission's authorization of such a complaint, an administrator's complaint will be prepared, identifying the initial basis of information for such a complaint. This complaint is an "Administrator's Complaint."

2.5 Action by the Commission Upon Review of Staff Reports

a. No investigation may be commenced unless authorized by the Commission.

b. The Commission will review the preliminary staff reports at their regularly scheduled Commission meetings during which they will authorize that a complaint be: (1) investigated, (2) dismissed, or (3) referred to another agency. The Commission's action will be based upon a majority vote of the commission.

c. If necessary, the Commission's review of a complaint and staff report may be done by email in between regularly scheduled commission meetings.

2.6 Complaint Dismissal Notification

Upon a complaint being dismissed, CPC staff will notify the complainant. Whenever possible, CPC staff will notify the complainant of the basis of the dismissal. A complainant may re-submit their complaint if they have new information that was not provided during the first review.

2.7 Status Updates

Judiciary Law § 499-h prohibits disclosure of information pertaining to the Commission's investigations. Complainants will be notified once there is a resolution in the matter.

SECTION 3: INVESTIGATIONS

3.1 Notice of the Investigation

a. The prosecutor shall be notified in writing of the commencement of the investigation and provided with a copy of the complaint.

b. The prosecutor has the right to be represented by counsel during any and all stages of the investigation. The prosecutor and their counsel may present any material that is relevant to the complaint at any point in the investigation. Any submissions by counsel on the prosecutor's behalf must be signed by the prosecutor.

3.2 Scope of Investigations

All investigations shall be limited to conduct reasonably related to the complaint. If Commission staff becomes aware of other unrelated prosecutorial misconduct allegations during an investigation, such information should be reported to the Commission, which may authorize an investigation into such conduct in a separate administrator's complaint.

3.3 Subpoenas & Testimony of Witnesses During an Investigation

a. The Administrator may subpoena witnesses to provide testimony, require the production of books, records, documents or other evidence that may be deemed relevant to an investigation. The Administrator or any member of the Commission is authorized to sign subpoenas in cases approved for investigation by the Commission.

b. CPC attorneys are authorized to administer oaths or affirmations and examine witnesses under oath. A witness required to appear at CPC offices pursuant to a subpoena has the right to be represented by counsel. Counsel may advise the witness but may not otherwise participate in the proceedings and may not record the proceedings in writing or in any other form.

c. All witness interviews under oath will be recorded and transcribed. Due to confidentiality requirements pursuant to Judiciary Law § 499-h, witnesses will not be provided a copy of the transcript.

d. Testimony may be taken virtually at the discretion of the Administrator; however, the strong preference is to take all witness testimony in person.

e. Witnesses may not record, or transcribe the interview whether by stenographic, electronic or other means.

3.4 Court Orders

The Administrator or the prosecutor may request that the Commission seek a court order to access materials that are prohibited by statute from disclosure.

3.5 Pending Criminal Investigations

If the Commission's investigation relates to an ongoing criminal investigation or prosecution being investigated by the prosecutor, a District Attorney's office may notify the Commission that the CPC's investigation will substantially interfere with a criminal investigation being conducted by the District Attorney's office. Such notice shall be by an affirmation, in writing to the Administrator. The affirmation shall provide as much information as possible about the basis for the agency's position. The Commission will give any such affirmation due consideration and will act in accordance with Judiciary Law § 499-d.

3.6 Testimony of Respondent Prosecutor

a. Service & Notice

Pursuant to Judiciary Law § 499-f(3), in the event a prosecutor is required to appear to give testimony during an investigation, the prosecutor shall be notified in writing of the required date, time, and location of their appearance. The notice of appearance will be made by personal service at least 10 days before such appearance or by certified mail, return receipt requested, at least 14 days before such appearance. Notice of the appearance must include a copy of the complaint. The prosecutor's counsel may accept service of the notice of the required appearance on their client's behalf in writing.

b. Right to be Represented

The prosecutor may be accompanied, represented, and advised by counsel during their testimony. The right to be represented and advised by counsel shall mean the right of the prosecutor to have an attorney present during their testimony, to have their attorney question them briefly at the conclusion of the examination to clarify any of the answers the prosecutor has given, and to make opening and closing statements. Because an investigation is not a trial, the rules of evidence will not apply; thus, objections will only be considered in limited circumstances such as privilege.

c. Location of Testimony

The prosecutor's testimony will take place at a Commission office, virtually, or at another location at the Administrator's direction.

d. Transcription of Testimony

The prosecutor or their counsel may not record or transcribe Commission proceedings, whether by stenographic, electronic or other means, nor may a prosecutor request or otherwise obtain a copy of the transcript from a court reporter, if present. Pursuant to Judiciary Law § 499-f(3), the Commission will provide the prosecutor with a transcript of their testimony at no cost.

e. Requests for an Adjournment

The Administrator shall accommodate reasonable requests by the prosecutor or their counsel for additional time to prepare for their testimony.

f. Referee

There will be a Referee present at the subject prosecutor's testimony. The Referee may be a member of the Commission or a person designated by the Commission. The Referee will rule on objections but will not make any findings of fact. Being that it is an investigation and not a trial, the rules of evidence will not apply, and objections will only be considered in limited circumstances, such as privilege. At the beginning of the proceeding, the Referee will inform the prosecutor of the following:

> [Prosecutor], during the course of this proceeding, you may consult with your attorney, and I will entertain requests for private conferences.
>
> [Counsel for the prosecutor], you may make objections to questions posed to your client. However, in making objections, you should keep in mind that this is an investigation, and not a trial, and that the rules of evidence do not apply; thus, objections will be considered only in limited circumstances such as privilege. You will have the opportunity to question your client at the conclusion of questioning by [Name of CPC attorney], subject to additional questioning by the CPC attorney.
>
> You and/or your client may, if you wish, make opening and closing oral statements today. You will also receive a transcript of today's testimony.

g. Opening and Closing Statements by Counsel During Prosecutor's Testimony

The prosecutor's counsel may make an opening statement and may direct questions to their client at the conclusion of the CPC attorney's questioning, subject to additional questioning by the CPC attorneys. The prosecutor and their counsel may also make a closing statement.

h. Post-Testimony Statements

The prosecutor or their counsel may submit a statement in writing within 7 days of receipt of the transcript and may submit other written materials with such statement. Any reasonable requests for an extension to submit additional materials must be made in writing to the Administrator or CPC attorney on the Administrator's behalf.

i. Failure to Appear

If the prosecutor fails to appear for their scheduled testimony, such failure to appear may be deemed an admission, unless the prosecutor provides good cause for the failure to appear.

3.7 Conclusion of Investigations

At the conclusion of an investigation, a staff report will be prepared and presented to the Commission containing the details of the investigation conducted, including a summary of the evidence, analysis, and recommendations for further action. CPC staff may recommend dismissal of the complaint or request the Commission to authorize a Formal Written Complaint.

3.8 Notification After Dismissal

a. Notification to the Prosecutor

If a complaint is dismissed after an investigation, the Administrator will promptly notify the prosecutor or their counsel.

b. Notification to the Complainant

If a complaint is dismissed after an investigation, the Administrator will promptly notify the complainant. In accordance with the confidentiality mandate of Judiciary Law § 499-g, the Administrator shall not disclose any details of the investigation to the complainant.

SECTION 4: FORMAL WRITTEN COMPLAINTS

4.1 Authorizing Formal Written Complaints

a. The Commission may authorize a Formal Written Complaint pursuant to Judiciary Law § 499-f(4) where there is a reasonable ground warranting the filing of formal charges after an investigation.

b. The Commission shall not vote to authorize a Formal Written Complaint against a prosecutor unless that prosecutor has had the opportunity to be heard during the investigation.

c. The consideration whether to authorize service of a Formal Written Complaint shall take place in executive session—a meeting without the Administrator or the Administrator's staff.

4.2 Notice of the Formal Written Complaint and Answer

The Formal Written Complaint, as prepared and verified by the Administrator, shall be served pursuant to Judiciary Law § 499-f(4), without prior review by the Commission or the Clerk of the Commission. The Respondent Prosecutor shall have 20 days to file a written Answer to the Formal Written Complaint. All requests for an extension to file an Answer must be supported by good cause and made in writing to the Administrator.

4.3 Referee Appointments in Formal Written Complaint Cases

a. During executive session, the Commission will identify three prospective referees, in order of preference, for each case after the Commission has authorized a Formal Written Complaint.

b. After the Formal Written Complaint is served, a referee shall be appointed at the request of the Administrator or Prosecutor. If such a request is not made within 60 days of service, the Commission Chair or Clerk of the Commission may inquire about the status of the matter.

c. The Commission Chair or Clerk of the Commission will communicate with the prospective referees and such referee will perform a conflict check. A referee will be prohibited from serving if they or their employer represented a prosecutor before the Commission within the last two years.

d. If a referee must be selected between scheduled Commission meetings, the Chair should consult with the members of the Commission about identifying three prospective referees

and the Commission's approval may be given by email, fax, videoconference, telephone, or mail.

e. The Commission Chair or the Clerk will sign an order appointing the referee.

4.4 Agreed Statement of Facts

1. Subject to the approval of the Commission, the Administrator and the prosecutor may agree on a statement of facts and may stipulate in writing that the hearing shall be waived. In such a case, the commission shall rely upon the agreed statement of facts in forming the commission's findings of fact.

2. If the Agreed Statement of Facts is rejected, neither party is bound by the facts or statements therein.

3. The Administrator or Clerk of the Commission will transmit the findings of fact and recommendations along with the Agreed Statement of Facts to the Attorney Grievance Committee of the Appellate Division in the department where the prosecutor is admitted to practice and a copy will be served either personally or by certified mail, return receipt requested, on the prosecutor.

4.5 Hearings

a. Location

Hearings should be held at Commission offices. If it is not possible to conduct a hearing at a Commission office, arrangements may be made to hold hearings at a secure facility. Hearings may also be held via videoconferencing at the Administrator's direction and in compliance with the virtual protocols of Section 8.0(C) of the policy manual. Per the confidentiality restrictions in Judiciary Law § 499-g, only the participants in the hearing may be present. Pursuant to Section 10400.4(l) of the Commission's Operating Rules & Procedures, the complainant may be present if they are subpoenaed or so directed by the Commission.

b. Referee's Role

The referee shall set the deadlines for discovery production for the parties, hearing date and time, in coordination with the parties, regulate the course of the hearing, make rulings at the hearing and in advance of the hearing, set the time and place of adjourned or continued hearings. The referee shall have authority to administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence that the referee may deem relevant or material to the subject hearing pursuant to Judiciary Law § 499-e(2).

c. Recording and Transcriptions

CPC staff will be responsible for the audio recording and other administrative arrangements relating to the transcript of the hearing. The referee and the prosecutor will be provided with copies of the transcript and any exhibits.

d. Subpoenas

Only the referee designated by the Commission may issue a subpoena for a Commission hearing. If either party wishes to subpoena a witness or books, records, documents or other evidence, such party shall make a request to the referee on notice to the opposing side, affording an opportunity to be heard. The referee shall grant reasonable requests for subpoenas.

e. Discovery

i. Preliminary Conference

The Referee shall initiate a virtual preliminary conference to set the date of the hearing, the location, and expected dates of discovery production.

ii. Discovery Obligations by Administrator

Upon written request, the Administrator or CPC attorneys working on the Administrator's behalf must provide the prosecutor with all documents that they intend to present at a hearing, including: a list of witnesses to be called at the hearing; any written statements made by such witnesses; any exculpatory evidence; any impeachment material; and any other material relevant to the complaint, whether written or recorded. These documents shall be provided in an electronic format at least 10 days prior to the hearing.

The Administrator and the CPC staff working on the Administrator's behalf will endeavor to provide discovery before the minimum notice required by section 10400.4(i) of the Commission's Operating Rules and Procedures.

If the Administrator fails to timely furnish discovery documents, it shall not affect the validity of the proceedings before the Commission, provided such failure is not substantially prejudicial to the prosecutor. If the referee determines that the failure was substantially prejudicial to the prosecutor, the referee may adjourn the hearing and take any action deemed necessary to cure the substantial prejudice.

f. Discovery Obligations by Respondent Prosecutor

Upon written request by the Administrator, the prosecutor or their attorney shall provide reciprocal discovery within five days of the hearing, including a list of witnesses the prosecutor intends to

call to give testimony and any witnesses statements of witnesses who will be called to give testimony on the prosecutor's behalf.

g. Adjournments

Either party may seek an adjournment in writing if more time is needed to review the discovery. Such request must be made seven days before the hearing. If either party receives any discovery within less than seven days of the hearing, the referee may permit the party to seek an adjournment if the request is reasonable.

h. Post Hearing Briefs

The parties shall be afforded an opportunity to submit post-hearing briefs on issues of fact and law, including proposed findings, within 30 days after receipt of the transcript of the hearing to the referee. For good cause, the referee may grant a reasonable extension. The referee shall set dates for service and filing of briefs and proposed findings that shall be served electronically.

i. Referee Reports

The Chair or Clerk of the Commission shall advise the referee upon their appointment to file a report no later than 30 days after receiving post-hearing briefs and proposed findings from the parties or no later than 30 days after failure of the prosecutor or Administrator to file such briefing. The Clerk of the Commission or the Chair shall communicate reminders to the referee until the report is filed with the Commission. The Clerk of the Commission or Chair may grant reasonable extensions of time for the referee's report. The parties shall receive an electronic copy of the referee's report.

The referee's report will consist of findings of fact and conclusions of law. The Referee shall not make a recommendation with respect to a sanction. The Commission will accord due deference to the referee's report concerning the credibility of witnesses who appeared before the referee, however the Commission may choose not to accept the referee's findings of fact and conclusions of law pursuant to such authority established by Judiciary Law § 499-f(7) and § 10400.4(r) of the Commission's Operating Rules and Procedures.

The referee will be notified by the Commission Chair or Clerk of the Commission of the Commission's disposition of the case to which they were assigned and provided a copy of the decision.

j. Oral Arguments

i. The Commission will hear oral argument only if the Administrator (or their designee) or the prosecutor request oral argument (1) after receipt of a referee's report; (2) after the Commission's acceptance of an Agreed Statement of Facts, where the sanction has

not been determined; or (3) after the submission of a motion for summary determination.

ii. The Administrator or CPC attorney and the prosecutor or their counsel shall each have 30 minutes for argument. The prosecutor will also be permitted 10 minutes for their personal statement if they so choose. The Administrator or CPC attorney may reserve a portion of their time for rebuttal. The prosecutor's counsel may reserve a portion of their time after the prosecutor speaks and before the Administrator's rebuttal.

iii. The order of oral argument shall be as follows:

- Administrator or CPC attorney
- Prosecutor's counsel
- Prosecutor's statement.
- Prosecutor's counsel
- Administrator or CPC attorney

iv. The Commission Chair may extend the time for argument.

v. Commission members at oral argument & scope of inquiry:

- The Commission members may interrupt any party with questions.
- The scope of the oral argument shall relate only to matters that are part of the record.
- Commission members may participate in the oral argument via videoconferencing.

4.6 Voting

a. A Commission member must be present at oral argument to vote on the findings of fact and recommendations. A Commission member who participates virtually by videoconference at oral argument is deemed present and may vote.

b. A member who was absent for oral argument but present in person or virtually by videoconference when a vote is taken, may not vote or participate in the deliberation but is considered present for quorum purposes.

c. In matters where oral argument was waived, a member who was absent when deliberations commenced may participate in both the discussion and vote if the deliberations are resumed at a later date.

4.7 Record Upon Which a Recommendation is Made

Unless otherwise decided by the Commission, the record will be based on the Formal Written Complaint, Answer from the Prosecutor, pre- and post-hearing briefs, motions and other applications, transcripts and exhibits of the proceedings, the Referee's report, any prior discipline that was brought to the Commission's attention in the current proceeding, an Agreed Statement of Facts, and the transcript of oral argument before the Commission, whether after a hearing or for a motion for summary determination.

4.8 Recommendations

Draft recommendations should be distributed electronically to the Commission members by the Commission Chair or Clerk of the Commission. Final recommendations may be signed by the Commission Chair or Clerk of the Commission.

The Commission shall transmit its findings of fact and recommendations and record of the proceedings upon which such findings and recommendations are based to the Attorney Grievance Committee of the Appellate Division where the prosecutor was admitted to practice.

4.9 Record to be Sent to the Prosecutor

The Commission shall transmit its findings of fact and recommendations and record of the proceedings upon which such findings and recommendations are based to the prosecutor.

4.10 Recommendations for Removal

Any recommendation that a District Attorney should be removed or retired shall be simultaneously transmitted to the Governor with the Commission's findings of fact, the recommendations, and a record of the proceedings.

If the Commission's findings of fact and recommendations include any recommendation that an Assistant District Attorney should be removed or retired, the Commission shall simultaneously transmit its findings, recommendations, and record of its proceedings to the District Attorney under whom the Assistant District Attorney serves.

4.11 Dismissals

The Commission may dismiss a Formal Written Complaint upon a determination that there is insufficient evidence to support the allegations, that the Administrator or if the CPC attorneys on

the Administrator's behalf have not met their burden of proof, or that other justifiable reasons warrant dismissal. The complainant will be informed of the dismissal. If a complaint is dismissed, it will not be sent to the Grievance Committee.

4.12 Records Available for Public Inspection

Once the adjudication of the complaint is concluded, the record of the proceedings will be made available for public inspection at the principal office of the Commission and online through the Commission's website. Any requests for public inspection should be made in writing to the Administrator. The records of a prosecuting agency that were provided by the agency to the Commission pursuant to the Judiciary Law shall not be subject to disclosure by the Commission under Article 6 of the Public Officers Law. If a complaint is dismissed, neither the complaint nor the record will be available for public inspection, except as otherwise authorized by the Judiciary Law.

4.13 Redaction of Records

The Commission will follow the redaction rules set forth by the Administrative Order of the Chief Administrative Judge of the Courts dated December 23, 2015. Pursuant to Judiciary Law § 499-g, a prosecutor may request that the record of the proceedings be redacted as not to disclose the identity of any person who did not participate at the hearing, except for the prosecutor or complainant.

SECTION 5: CONFIDENTIALITY

5.1 Complaints

The confidentiality of the Commission's records shall be governed by Judiciary Law § 499-g. Breach of confidentiality shall be governed by procedures set forth in Judiciary Law § 499-h.

5.2. Communication with Third Parties

Communications with third parties during an investigation or Commission proceeding will be consistent with Section 499-g of the Judiciary Law. When appropriate, staff may indicate that there is a confidential investigation being undertaken by the office.

5.3 Waiver of Confidentiality Pursuant to Judiciary Law

The prosecutor may waive confidentiality of a hearing pursuant to Judiciary Law § 499-f(4). Such waiver must be made in writing. The record of the proceeding will be publicly available if confidentiality is waived.

SECTION 6: RECUSALS

6.1 Commission Staff

a. A staff member should not participate in any matter where their impartiality might reasonably be questioned.

b. If a staff member believes they may need to recuse themselves from a complaint they should discuss the matter with the Deputy Director of Investigations. The Deputy Director of Investigations will discuss the matter with the Administrator who will determine whether the staff member must be recused.

c. If the Deputy Director of Investigations believes they may need to recuse themselves from a complaint or from supervising the investigation of a complaint, they should discuss the matter with the Administrator who will determine whether the Deputy Director of Investigations must be recused.

d. If the Administrator has determined that they must be recused from a matter, the Administrator will notify the Chair of the Commission.

e. In determining whether a staff member's impartiality might be questioned, the Administrator should consider whether:

- The staff member has a bias concerning the complainant or Respondent Prosecutor;
- The staff member served as a lawyer in the criminal or civil case in which the conduct in question occurred;
- The staff member has personal knowledge of the facts alleged in the complaint or might need to serve as a witness;
- Any other facts that may imply that the staff member has an interest in the outcome of the matter.

f. A staff member who is recused from a matter shall not review any files associated with the matter or be present for any discussions about the matter.

6.2 Commission Members

a. Pursuant to Judiciary Law 499-c(5), if a member of the Commission who is a prosecutor is the subject of a complaint or investigation with respect to his or her qualifications, conduct, fitness to perform or performance of his or her official duties, he or she shall be disqualified from participating in any and all proceedings with respect thereto. If a member of the Commission is employed in the same organization as the subject of a complaint or

investigation with respect to his or her qualifications, conduct, fitness to perform, or performance of his or her official duties, he or she shall be disqualified from participating in any and all proceedings with respect thereto.

b. A member of the Commission should disqualify themselves if their impartiality might reasonably be questioned. A Commission member should be guided by the disqualification standards set forth in Section 100.3(E) of the Rules Governing Judicial Conduct.

c. A Commission member is not required to disclose the reason for their disqualification.

d. A Commission member who is disqualified from a matter shall not receive any staff reports or substantive material on the matter.

e. A Commission member who is disqualified from a matter shall refrain from discussing the matter with other members of the Commission and shall not be present when there is a substantive discussion about the matter during Commission meetings.

SECTION 7: ANNUAL REPORT

Each year the Administrator will prepare an Annual Report, pursuant to Judiciary Law § 499-d(4), of the Commission's activities, including any public policy recommendations along with statistics on the number of the Commission complaints received and processed, any reports issued, and operational updates.

SECTION 8: MISCELLANEOUS

8.1 Press Releases and Statements

Only the Administrator or the Chair of the Commission will answer any substantive press inquiries at their discretion.

8.2 Retention and Disposal of Records

The retention and/or disposal of Commission records shall be consistent with New York State guidelines.

8.3 Virtual Proceedings

a. The Administrator may direct that Commission investigations or proceedings shall be conducted virtually by video in accordance with Judiciary Law § 499-g.

b. If a Formal Written Complaint has been authorized, then the Administrator may determine that a hearing should be conducted virtually. This determination is subject to review by the Commission. In the event of a virtual hearing, the Administrator shall provide written notice to the prosecutor, the referee, and the Commission Chair or Clerk of the Commission at least 30 days in advance of the hearing. The Administrator shall also provide the protocols for the virtual hearing. If the prosecutor objects to a virtual hearing or any of the protocols, they shall do so in writing to Commission Chair or Clerk of the Commission, Administrator, and referee within five days of the Administrator's notice. The Administrator shall respond in writing within five days of receipt prosecutor's written objection. The Commission shall rule on the objection and notify the parties promptly.

c. At an in-person hearing, the referee may permit a witness to testify virtually if good cause is shown. In these circumstances, virtual testimony may only be permitted if all parties can see and hear the witness, the witness can be examined and cross-examined, the testimony may be adequately recorded, and the confidentiality provisions of Judiciary Law § 499-g are met.

8.4 Three-Member Panels

Pursuant to Judiciary Law § 499-e the Commission may delegate any of its functions, powers and duties to a panel of three of its members. Each panel will contain either the Chair or Vice Chair of the Commission. The remaining two-members may be rotated in alphabetical order.