

63A-14-502 Initial review of ethics complaint -- Notice.

- (1) Within five business days after the day on which the commission receives a complaint, the staff of the commission, in consultation with the chair, shall examine the complaint to determine if it is in compliance with Sections 63A-14-302 and 63A-14-402.
- (2) If the chair determines that the complaint does not comply with Sections 63A-14-302 and 63A-14-402, the chair shall:
 - (a) return the complaint to the first complainant named on the complaint with:
 - (i) a description of the reason for the noncompliance; and
 - (ii) a copy of the applicable provisions of law; and
 - (b) without disclosing the identity of the respondent, notify the other members of the commission that a complaint was filed against an executive branch elected official, but that the complaint was returned for noncompliance with the requirements of this chapter.
- (3) Each member of the commission and the commission's staff shall keep confidential the fact that a complaint was filed and returned until the commission submits the annual summary data report described in Section 63A-14-203.
- (4) If a complaint is returned for noncompliance with the requirements of this chapter, the complainants may file another complaint if the new complaint independently meets the requirements of Sections 63A-14-302 and 63A-14-402, including any requirements for timely filing.
- (5) If the chair determines that a complaint complies with the requirements of this chapter, the chair shall:
 - (a) accept the complaint;
 - (b) notify the members of the commission that:
 - (i) a complaint has been filed against an executive branch elected official; and
 - (ii) the chair has accepted the complaint; and
 - (c) within five business days after the day on which the commission receives the complaint, forward the complaint to the respondent via personal delivery or a delivery method that provides verification of receipt, and include with the complaint notice of the respondent's deadline for filing a response to the complaint.
- (6)
 - (a) The identity of the respondent and the allegations raised in a complaint are confidential pending the commission's review of the complaint.
 - (b) The fact that a complaint was filed is confidential until the commission publicly discloses the existence of the complaint by:
 - (i) issuing a finding that an allegation in the complaint has merit; or
 - (ii) submitting the annual summary data report described in Section 63A-14-203.

Enacted by Chapter 426, 2013 General Session