

63A-14-504 Response to ethics complaint -- Filing -- Form.

- (1) A respondent shall file a response to a complaint with the commission no later than 20 days after the day on which the respondent receives delivery of the complaint.
- (2) A respondent shall ensure that the response is in writing and contains the following information:
 - (a) the name, address, and telephone number of the respondent;
 - (b) for each alleged violation in the complaint:
 - (i) each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense, supported by one or more affidavits, each of which shall comply with the format described in Subsection (3); and
 - (ii) the facts and circumstances refuting the allegation, which shall be provided by:
 - (A) copies of official records or documentary evidence; or
 - (B) one or more affidavits, each of which shall comply with the format described in Subsection (3);
 - (c) a list of the witnesses that the respondent desires to call, including for each witness:
 - (i) the name, address, and, if available, telephone number of the witness;
 - (ii) a brief summary of the testimony to be provided by the witness; and
 - (iii) a specific description of any documents or evidence that the respondent desires the witness to produce;
 - (d) a statement that the respondent:
 - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
 - (ii) believes the contents of the response to be true and accurate; and
 - (e) the signature of the respondent.
- (3) An affidavit described in Subsection (2)(b) shall include:
 - (a) the name, address, and telephone number of the affiant;
 - (b) a statement that the affiant has actual knowledge of the facts and circumstances alleged in the affidavit;
 - (c) the facts and circumstances testified to by the affiant;
 - (d) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties for perjury; and
 - (e) the signature of the affiant.
- (4) Within five business days after the day on which the commission receives the response, the commission shall provide copies of the response to:
 - (a) each member of the commission; and
 - (b) the first named complainant on the complaint.

Enacted by Chapter 426, 2013 General Session