

121 (vi) whether the alleged violation should be addressed in, or is being adequately  
122 addressed in, another forum, including a criminal investigation or proceeding;

123 (vii) whether additional investigation, as part of a civil proceeding in relation to the  
124 **§→ [opinion] petition ←§** , is desirable;

125 (viii) the likelihood that an action, based on the allegations, is likely to be successful;  
126 or

127 (ix) other criteria relevant to making the determination.

128 (5) If the reviewing official determines that a special investigation is necessary, the  
129 reviewing official shall:

130 (a) except as provided in Subsection (5)(b), refer the information to the attorney  
131 general, who shall appoint special counsel; or

132 (b) if the verified petition alleges that the attorney general violated a provision of this  
133 title, or if the reviewing official determines that the Office of the Attorney General has a  
134 conflict of interest in relation to the verified petition, appoint a person who is not an employee  
135 of the Office of the Attorney General as special counsel, in accordance with Title 63G, Chapter  
136 6a, Utah Procurement Code.

137 (6) The special counsel:

138 (a) shall review the petition and any evidence relative to determining whether a  
139 defendant committed a violation of a provision of this title;

140 (b) may interview individuals or gather additional evidence relative to determining  
141 whether a defendant committed a violation of a provision of this title;

142 (c) shall advise the reviewing official whether, in the opinion of the special counsel,  
143 sufficient evidence exists to establish that a defendant committed a significant violation of a  
144 provision of this title; and

145 (d) shall, within three days after the day on which the special counsel complies with  
146 Subsection (6)(c), prepare and provide to the reviewing official a document that:

147 (i) states whether, in the opinion of the special counsel, sufficient evidence exists to  
148 establish that a defendant committed at least one significant violation of a provision of this  
149 title; and

150 (ii) if the special counsel is of the opinion that sufficient evidence exists to establish  
151 that a defendant committed at least one significant violation of a provision of this title;