

Part 3

General Powers and Procedures

11-49-301 Authority to review complaint -- Grounds for complaint -- Limitations on filings.

- (1) Subject to the requirements of this chapter and Section 10-3-1311 or 17-16a-11, the commission is authorized to review an ethics complaint against a political subdivision officer or employee if the complaint alleges:
 - (a) if the applicable political subdivision is a municipality, an ethics violation of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act by:
 - (i) a city manager or non-elected chief executive; or
 - (ii) an elected officer, as defined in Section 10-3-1303;
 - (b) if the applicable political subdivision is a county, an ethics violation of Title 17, Chapter 16a, County Officers and Employees Disclosure Act by:
 - (i) an appointed officer, as defined in Section 17-16a-3;
 - (ii) an elected officer, as defined in Section 17-16a-3; or
 - (iii) an employee subject to Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
 - (c) for a political subdivision officer or employee other than a municipal officer or employee described in Subsection (1)(a) or a county officer or employee described in Subsection (1)(b), an ethics violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (2) A complaint described in Subsection (1) shall be filed in accordance with the time limit provisions, if any, of the applicable part or chapter.
- (3)
 - (a) A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by a municipal ethics commission established under Section 10-3-1311, a county ethics commission established under Section 17-16a-11, or a local political subdivision ethics commission established under Section 11-49-103, as applicable, or the commission unless:
 - (i) the allegation was previously reviewed and dismissed by the commission under Section 11-49-602 or 11-49-701;
 - (ii) the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission; and
 - (iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission in accordance with Section 11-49-701 on one previous occasion.
 - (b) The commission may not review a complaint that is currently before:
 - (i) a municipal ethics commission established under Section 10-3-1311;
 - (ii) a county ethics commission established under Section 17-16a-11; or
 - (iii) a local political subdivision ethics commission established under Section 11-49-103.
 - (c) If an allegation in the complaint does not comply with the requirements of Subsection (3)(a) or (b), the allegation shall be summarily dismissed with prejudice by:
 - (i) the chair when reviewing the complaint under Section 11-49-601; or
 - (ii) the commission, when reviewing the complaint under Section 11-49-602 or 11-49-701.

Enacted by Chapter 202, 2012 General Session

11-49-302 General powers -- Jurisdiction.

- (1) The commission has jurisdiction only over an individual who is a political subdivision officer or employee.
- (2) The commission shall dismiss an ethics complaint if:
 - (a) the respondent resigns or is terminated from the political subdivision; or
 - (b) except as provided in Subsection (3):
 - (i) the respondent is charged with a criminal violation of:
 - (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
 - (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
 - (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
 - (ii) the facts and allegations presented in the ethics complaint assert the same or similar facts and allegations as those asserted in the criminal charges.
- (3) If an ethics complaint asserts an ethics violation in addition to a criminal violation described in Subsection (2)(b), the commission shall:
 - (a) dismiss an allegation described in Subsection (2)(b)(ii); and
 - (b) proceed with any remaining allegation in the complaint.

Enacted by Chapter 202, 2012 General Session