

**11-49-401 Hearing on ethics complaint -- General procedures.**

- (1) In conducting a hearing on a complaint in accordance with Part 7, Commission Review of Ethics Violation, the commission shall comply with the following process in the order specified:
  - (a) introduction and instructions for procedure and process, at the discretion of the chair;
  - (b) complainant's opening argument, to be presented by a complainant or complainant's counsel;
  - (c) complainant's presentation of evidence and witnesses in support of allegations in the complaint;
  - (d) consideration of motions to dismiss the complaint or motions for a finding of no cause, as applicable;
  - (e) respondent's opening argument, to be presented by the respondent or respondent's counsel;
  - (f) respondent's presentation of evidence and witnesses refuting allegations in the complaint;
  - (g) presentation of rebuttal evidence and witnesses by the complainant, at the discretion of the chair;
  - (h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;
  - (i) complainant's closing argument, to be presented by a complainant or complainant's counsel;
  - (j) respondent's closing argument, to be presented by the respondent or respondent's counsel;
  - (k) deliberations by the commission; and
  - (l) adoption of the commission's findings.
- (2) The commission may, in extraordinary circumstances, vary the order contained in Subsection (1) by majority vote and by providing notice to the parties.
- (3) The chair may schedule the examination of a witness or evidence subpoenaed at the request of the chair or the commission under Section 11-49-403 at the chair's discretion.

Enacted by Chapter 202, 2012 General Session