

**11-49-601 Review of ethics complaint for compliance with form requirements -- Independent requirements for complaint -- Notice.**

- (1) Within five business days after receipt of a complaint, the staff of the commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with Sections 11-49-301 and 11-49-501.
- (2)
  - (a) If the chair determines that the complaint does not comply with Sections 11-49-301 and 11-49-501, the chair shall:
    - (i) return the complaint to the first complainant named on the complaint with:
      - (A) a statement detailing the reason for the non-compliance; and
      - (B) a copy of the applicable provisions in this chapter; and
    - (ii) notify the applicable political subdivision governing body that:
      - (A) a complaint was filed against an unidentified political subdivision officer or employee but was returned for non-compliance with this chapter; and
      - (B) the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by Section 11-49-202.
  - (b) If a complaint is returned for non-compliance with the requirements of this chapter, a complainant may file another complaint if the new complaint independently meets the requirements of Sections 11-49-301 and 11-49-501, including any requirements for timely filing.
- (3) If the chair determines that the complaint complies with the requirements of this section, the chair shall:
  - (a) accept the complaint;
  - (b) notify each member of the commission that the complaint has been filed and accepted;
  - (c) notify the applicable political subdivision that:
    - (i) a complaint has been filed against an unidentified political subdivision officer or employee;
    - (ii) the identity of the political subdivision officer or employee and the allegations raised in the complaint are confidential pending the commission's preliminary review of the complaint; and
    - (iii) the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint via:
      - (A) notice of the commission's review of a complaint in accordance with Section 11-49-701; or
      - (B) submission of the commission's annual summary data report as required in Section 11-49-202; and
  - (d) promptly forward the complaint to the political subdivision officer or employee who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with a copy of this chapter and notice of the officer's or employee's deadline for filing a response to the complaint if the complaint is not dismissed under Section 11-49-602.

Enacted by Chapter 202, 2012 General Session