

**11-49-701 Commission review of ethics violation.**

- (1) The scope of a review by the commission is limited to an alleged ethics violation stated in a complaint that has not been previously dismissed under Section 11-49-602.
- (2)
  - (a) Before holding the meeting for review of the complaint, the commission chair may schedule a separate meeting of the commission for the purposes of:
    - (i) hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures;
    - (ii) holding a vote of the commission, with or without the attendance of the parties, on procedural or commission business matters relating to a complaint; or
    - (iii) reviewing a complaint, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the commission, because the complaint pleads facts or circumstances against a political subdivision officer or employee that have already been reviewed by, as provided in Section 11-49-301, the commission, a municipal ethics commission established in accordance with Section 10-3-1311, a county ethics commission established in accordance with Section 17-16a-11, or a local political subdivision ethics commission established in accordance with Section 11-49-103.
  - (b) Notwithstanding Section 11-49-603, the commission may, by a majority vote, change the date of the meeting for review of the complaint in order to accommodate:
    - (i) a meeting authorized under Subsection (2)(a); or
    - (ii) necessary scheduling requirements.
- (3)
  - (a) The commission shall comply with the Utah Rules of Evidence except where the commission determines, by majority vote, that a rule is not compatible with the requirements of this chapter.
  - (b) The chair shall make rulings on admissibility of evidence consistent with the provisions of Section 11-49-402.
- (4)
  - (a) A meeting or hearing authorized in this part is open to the public except as provided in Section 52-4-204.
  - (b) The following individuals may be present during the presentation of testimony and evidence to the commission:
    - (i) the complainant;
    - (ii) the complainant's counsel, if applicable;
    - (iii) the respondent;
    - (iv) the respondent's counsel, if applicable;
    - (v) members of the commission;
    - (vi) staff to the commission;
    - (vii) a witness, while testifying before the commission; and
    - (viii) necessary security personnel.
  - (c) The commission may, in accordance with Section 52-4-204, close a meeting to:
    - (i) seek or obtain legal advice on legal, evidentiary, or procedural matters; or
    - (ii) conduct deliberations to reach a decision on the complaint.
- (5) If a majority of the commission determines that a continuance is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of commission members, witnesses, or a party, the commission shall:
  - (a) adjourn and continue the meeting to a future date and time after notice to the parties; and

- (b) establish that future date and time by majority vote.
- (6) A record, as defined in Section 63G-2-103, created by the commission under this part, reviewed by the commission under this part, or received by the commission under this part, is a public record, as defined in Section 63G-2-103.

Enacted by Chapter 202, 2012 General Session