

63A-14-605 Order or finding of merit by the commission.

- (1) If the commission determines that all allegations in the complaint are without merit, the commission shall:
 - (a) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have merit;
 - (b) classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Section 63G-2-302;
 - (c) provide notice of the determination, in a manner determined by a majority vote of the commission, to:
 - (i) the respondent; and
 - (ii) the first complainant named on the complaint; and
 - (d) provide notice to each person named in Subsection (1)(c) that, under the provisions of Section 63A-14-403 and other provisions of this chapter, a person who discloses the findings of the commission in violation of any provision of this chapter is in contempt of the commission and is subject to penalties for contempt.
 - (2) If the commission determines that one or more of the allegations in the complaint have merit, the commission shall:
 - (a) if one or more allegations were not found to have merit, enter into the record an order dismissing the allegations that were found not to have merit;
 - (b) within 30 business days after the day on which the commission makes the determination, prepare a written finding, for submission to the Legislature, that:
 - (i) lists the name of each complainant;
 - (ii) lists the name of the respondent;
 - (iii) states the date of the finding;
 - (iv) for each allegation that was found to have merit:
 - (A) describes the high crime, misdemeanor, or malfeasance in office allegedly committed by the respondent;
 - (B) states the number and names of commission members who voted that the allegation has merit and the number and names of commission members who voted that the allegation does not have merit;
 - (C) subject to Subsection (3), at the option of those members voting that the allegation has merit, includes a statement by one or all of those members stating the reasons that the members voted that the allegation has merit; and
 - (D) subject to Subsection (3), at the option of those members who voted that the allegation does not have merit, includes a statement by one or all of those members stating the reasons that the members voted that the allegation does not have merit;
 - (v) contains any general statement that is adopted for inclusion in the finding by a majority of the members of the commission;
 - (vi) describes the allegations found by the commission to have merit;
 - (vii) states the name of each member of the commission; and
 - (viii) is signed by each member of the commission;
 - (c) direct staff to publicly release the finding, the complaint, and the response, subject to the redaction of any allegations that were dismissed; and
 - (d) classify all other recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this chapter as private records under Section 63G-2-302.
- (3) A statement described in Subsection (2)(b)(iv)(C) or (D) may not cite specific evidence, specific testimony, or specific witnesses.

- (4) The commission shall ensure that, within five business days after the day on which the commission finishes preparing the written finding described in Subsection (2)(b):
 - (a) the complaint and the response are redacted to remove references to the allegations found by the commission to be without merit;
 - (b) a copy of the finding is made publicly available and provided to:
 - (i) the respondent;
 - (ii) the first complainant named on the complaint;
 - (iii) the speaker of the House of Representatives;
 - (iv) the president of the Senate; and
 - (v) the governor; and
 - (c) the following documents are made publicly available and are provided to the speaker of the House of Representatives and the president of the Senate:
 - (i) a cover letter generally describing the allegations in the edited complaint that are found by the commission to have merit;
 - (ii) a copy of the edited complaint;
 - (iii) a copy of the edited response; and
 - (iv) a copy of the finding.

Enacted by Chapter 426, 2013 General Session