

ETHICS

COMPLAINT PROCEDURES (12/16)



Administrative Rules of Montana 44.10.604 through 44.10.613

A person may file a written complaint with the Commissioner of Political Practices if that person believes a violation of a provision of the ethics laws or rules has occurred. These laws and rules are contained within Montana Code Annotated Title 2, chapter 2, part 1 and Administrative Rules of Montana Title 44, Chapter 10, Sub-Chapter 6.

HOW TO SUBMIT A COMPLAINT

A complaint may be submitted using the optional Complaint Form available from the Commissioner. The form may be requested in person or by telephone, e-mail, or fax. The form can be downloaded from the agency website: www.politicalpractices.mt.gov

A complaint:

- must be typewritten or legibly handwritten or printed in ink;
- must include the complete name and complete mailing address of the person filing the complaint;
- must provide the complete name of the alleged violator and should include a complete mailing address;
- must describe in detail the alleged violation, including pertinent dates and the statute(s) and/or rule(s) believed to have been violated;
- should include as an attachment any evidentiary material;
- must be signed and notarized; and
- must be delivered to the Commissioner's office in person or sent certified mail.

Following Submission of an Ethics Complaint

An ethics complaint, once submitted, is considered "lodged" with the COPP. An ethics complaint is confidential (see below) while lodged and will be listed on the COPP website by the initials of the complainant and respondent. The Commissioner will consider whether the lodged complaint concerns a person or activity under COPP jurisdiction. After consideration the Commissioner will issue a written Decision either accepting or rejecting the lodged ethics complaint for filing.

A complaint that is accepted for filing will trigger a hearing process before the Commissioner. A hearing officer will be appointed and an informal contested case hearing will be scheduled addressing the issues raised in the complaint. The hearing will be conducted under the rules set by the Montana Administrative Procedures Act. Following the hearing the Commissioner will issue a Decision based on the record established at the hearing.

Confidentiality

An ethics complaints alleges an inappropriate work related action of a state of Montana employee or public official. Such an allegation may infringe on an area of work related privacy and ethics complaints are therefore subject to a period of confidentiality that ends with the Commissioner's Decision as to whether to accept or reject a lodged ethics complaint. The person submitting the ethics complaint must maintain the confidentiality of the complaint until the Commissioner issues the acceptance/rejection Decision.