

ETHICS

COMPLAINT PROCEDURES (05/19)



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:

<http://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;
- One complaint per individual, if you are alleging a violation against more than one individual, you must submit separate complaints
- 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; and
- must be signed and notarized.

Please note: The Office of the Commissioner of Political Practices does not conduct investigations in ethics complaints. Rather, if a complaint is accepted it proceeds to an informal contested case proceeding, Mont. Code Ann. §2-4-604. The complainant and respondent are provided an opportunity to conduct discovery, and they present the evidence of the violations of the Code of Ethics to a hearing examiner and the Commissioner. Additionally, the Commissioner may assess the costs of the proceeding against the complainant or respondent, Mont. Code Ann. §2-2-136(2)(c).

Following Submission of an Ethics Complaint

An ethics complaint, once submitted, is considered “lodged” with the COPP. confidentiality does not apply to either elected officials or public employees. An ethics complaint, once submitted, is considered “lodged” with the COPP. All lodged ethics complaints against both elected officials and all public employees will not be considered confidential while the COPP considers whether the lodged complaint concerns a person or activity under COPP jurisdiction. The complaint will be listed on the COPP website identified by the full name of the complainant and respondent. After consideration, the Commissioner will issue a public written decision either accepting or rejecting the lodged ethics complaint for filing. The written decision will be made available on the Commissioner’s website. A complaint that is accepted for filing may result in an informal contested case hearing before the Commissioner.

Information on ethic complaint and processes can be found at <http://politicalpractices.mt.gov/ethics>

A complaint that is accepted for filing will trigger a hearing process before the Commissioner. A hearing officer may be appointed and an informal contested case hearing may 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

On May 29, 2019 the United States Court of Appeals for the Ninth Circuit issued a ruling that the confidentiality provision contained in Mont. Code Ann. § 2-2-136(4) as applied to state employees and public officials in the State of Montana when an ethics complaint is filed with the Montana Commissioner of Political Practices (COPP) is unconstitutional.

Effective immediately, the COPP will apply the ruling of the Court to all future ethics complaints submitted to the Commissioner’s office. What does this mean? Prior to the May 29, 2019 ruling, all ethics complaints submitted, or “lodged” with the COPP were considered confidential for state employees while the COPP determined whether the complaint would be accepted or rejected for filing. As of May 29, 2019, confidentiality does not apply to either elected officials or public employees as pertained to ethics complaints.