

ETHICS

COMPLAINT PROCEDURES (10/04)



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 FILE 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.state.mt.us/cpp

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.

CONFIDENTIALITY

The person filing the complaint and the person who is the subject of the complaint *must maintain* the confidentiality of the complaint; and confidentiality must be maintained until the Commissioner issues a decision. This confidentiality provision extends to any related documents released to the parties by the Commissioner. If a waiver of the right of confidentiality is filed with the Commissioner *by the person who is the subject of the complaint*, only then may the confidentiality provision be set aside.

FOLLOWING RECEIPT OF A COMPLAINT

Following receipt of a complaint, the Commissioner will acknowledge receipt by certified mail. A copy of the complaint will be provided to the alleged violator.

Once a determination has been made by the Commissioner that the complaint states a potential violation, a hearing examiner will be appointed and an informal contested case hearing on the complaint will be scheduled. Thereafter, a hearing will be conducted under the Montana Administrative Procedure Act. Following the hearing, the Commissioner will issue a decision based upon the record established.

A person may seek judicial review of the Commissioner's decision, as provided in chapter 4, part 7 of Title 44, after a hearing, a dismissal, or a summary decision has been issued.