

October 26, 2022

CONFIDENTIAL

Mr. Tyler Axness



RE: Complaint Dated September 30, 2022 (Postmarked October 21, 2022)

Dear Mr. Axness:

This letter is to acknowledge receipt on October 26, 2022, of your complaint to the North Dakota Ethics Commission. The Commission also would like to provide you with information about the process going forward. There are two (2) essential steps of which you should be aware: (1) an initial review of the allegations of the complaint and (2) an investigation of the allegations of the complaint.

Initial Review

The North Dakota Ethics Commission Executive Director will begin to conduct an initial review of the allegations in your complaint. At the conclusion of the initial review, if the Executive Director determines the matter falls within the jurisdiction of the Commission and contains sufficient information to believe a violation has occurred, the Executive Director will then prepare a written summary of the complaint for the Commission and notify the accused individual of the complaint. You will receive a copy of the written summary. The Executive Director may also summarily dismiss the complaint, after conducting an initial review, if the alleged violation does not fall within the Commission's jurisdiction, is insufficient to identify a possible violation, or fails to comply with any rules adopted by the Commission. If your complaint is summarily dismissed, you will be notified and have twenty (20) days to appeal that decision to the full Ethics Commission.

If you would like your identity to remain confidential, the Commission may not release your name or address to the accused individual without your authorization. You will receive further information on how to keep your identity confidential during the Executive Director's initial review.

Upon receiving notice from the Commission of your complaint, the accused individual may respond to the complaint within twenty (20) calendar days of receipt of the complaint or summary of the complaint. You will receive a copy of this response.

During the initial review stage, the Executive Director provides an opportunity for you and the accused individual to informally resolve the complaint. Complaints resolved through informal resolution will not be further investigated by the Commission.

Investigation

If your complaint is not summarily dismissed or informally resolved, the Executive Director then conducts a thorough investigation of the allegations in your complaint. After completion of an investigation, the Executive Director then prepares an investigation report and recommendations for the Commission's consideration, which will be provided to you and the accused individual.

The Commission ultimately determines whether a violation of article XIV of the Constitution of North Dakota, North Dakota Century Code chapter 54-66, or another law or rule regarding transparency, corruption, elections, or lobbying occurred. The Commission determines what penalty will be imposed upon the respondent. However, the Commission may refer the matter to another agency with enforcement authority over any violation. The complainant and others will be provided information regarding the Commission's decision as permitted under applicable North Dakota law.

During this process, information revealing the contents of your complaint, information that reasonably may be used to identify the accused individual, and information relating to or created as part of the investigation of your complaint is confidential as defined in North Dakota Century Code Section 44-04-17.1.

If you have any questions or concerns during the process, please do not hesitate to contact the Commission's office.

Sincerely,



Rebecca Binstock
Executive Director