

Dakota Dilemmas:

Navigating the Complaint Process



ND | ETHICS
COMMISSION

Agenda



- 01 Article XIV
- 02 A New Process
- 03 Filing Complaints
- 04 Three Steps
- 05 Complaint Resolution

A Constitutional Amendment

2018 General Election

Established state ethics commission in
Article XIV of the North Dakota
Constitution

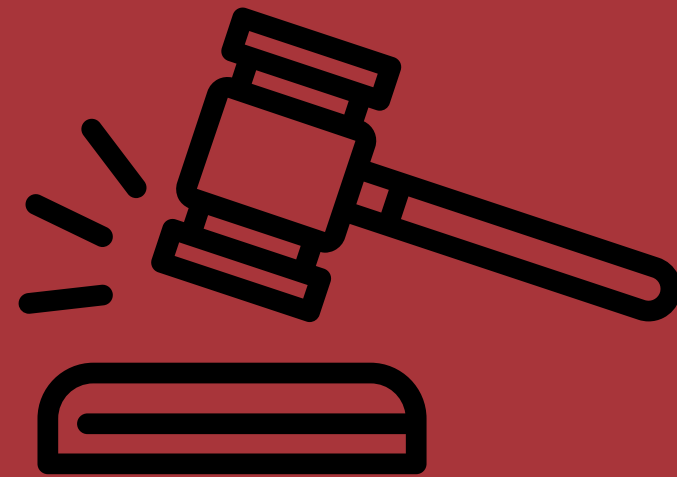
Commission has authority over
transparency, corruption, elections, and
lobbying



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Article XIV

New Rules



The Complaint Process

Lobbyist Gifts

Appearance of Bias

Conflicts of Interest

Financial and Travel Disclosure??

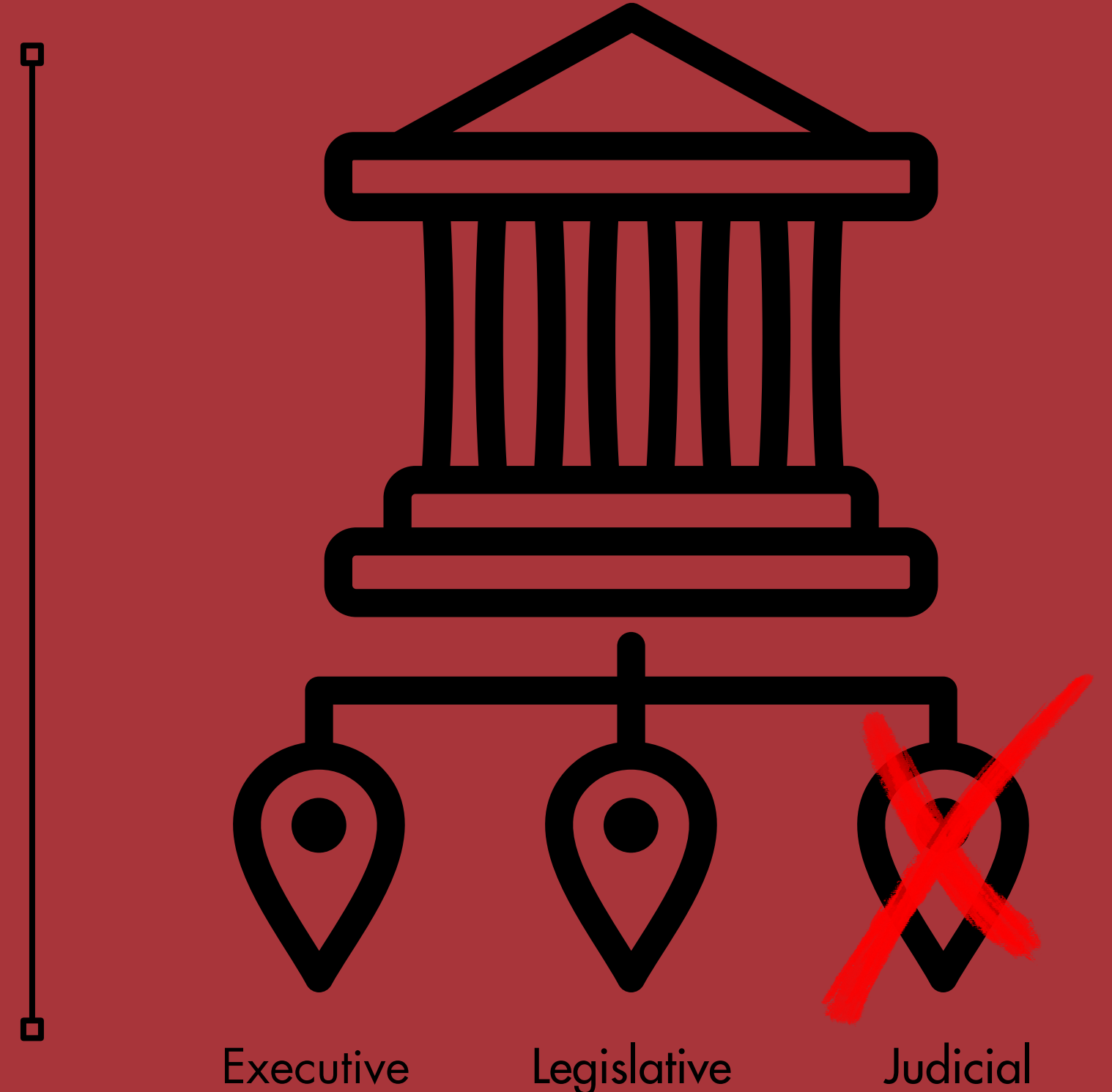
Personal Jurisdiction

Lobbyists

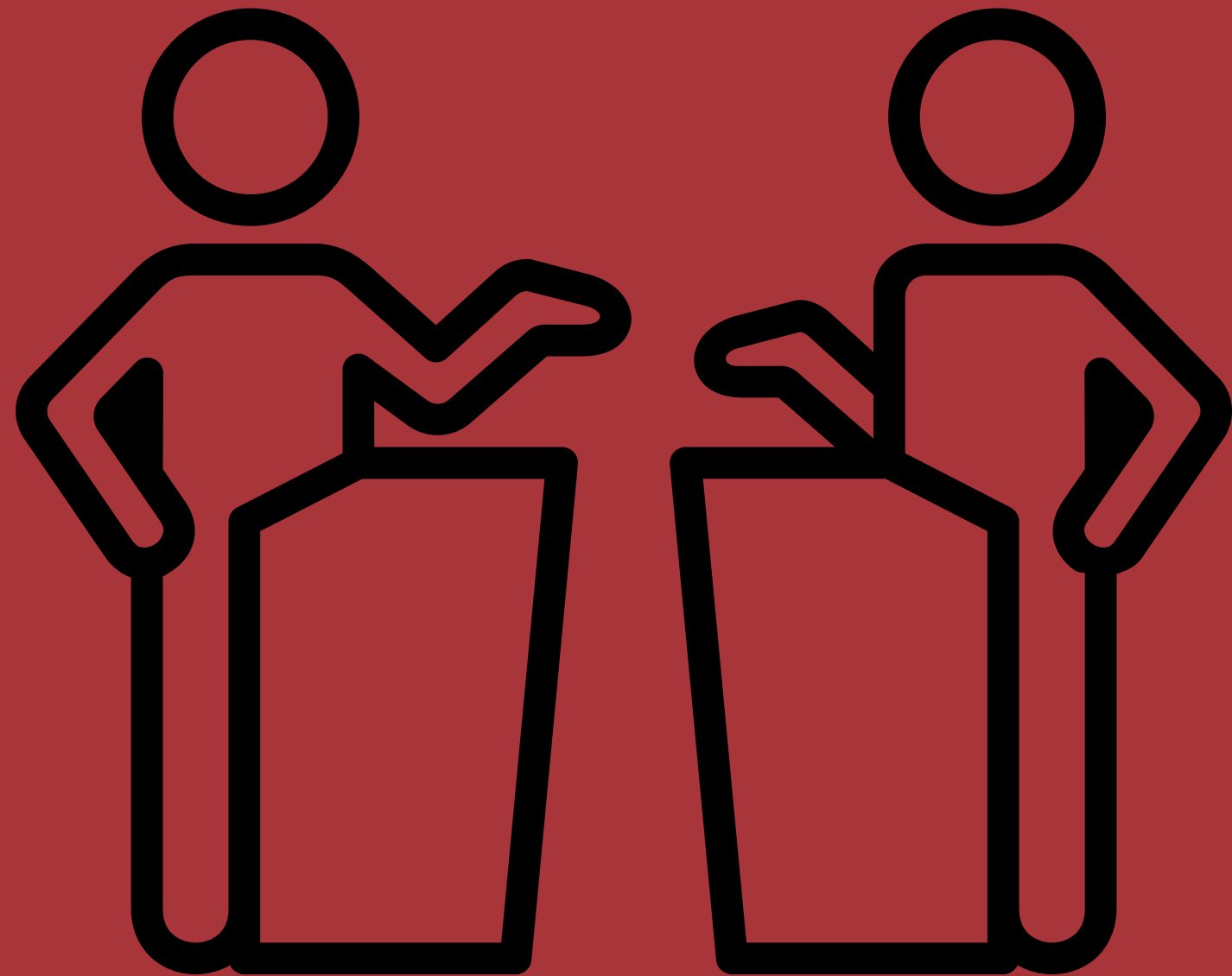
Public Officials

- elected or appointed individuals of the executive and legislative branches
- members of the Ethics Commission
- legislative employees

Candidates for Public Office



Important Terms



Complainant - the person who files a complaint with the Ethics Commission against a certain individual

Respondent - the person a complaint is filed against, accused of ethical violation

Accused Individual - the term in statute for the respondent

Statutory Requirements

(1) A complaint must be filed.

(2) Only certain individuals can file a complaint

- ND Residents
- Individuals licensed in ND
- A party to a quasi-judicial proceeding

(3) Most information related to a complaint is confidential

CHAPTER 54-66
STATE GOVERNMENT ETHICS

Strict Confidentiality



Confidential under N.D.C.C. § 54-66-12:

- (1) information revealing the contents of a complaint;
- (2) information that reasonably may be used to identify a respondent; and
- (3) information relating to or created as part of an investigation

Complainant can remain confidential from respondent

Filing a Complaint

Four different ways to file a complaint:

- (1) by phone
- (2) in writing - mail or email
- (3) in person; or
- (4) on our website

Coming Soon

Confidential Hotline
(701) 328-6000
ethicshotline@nd.gov



SHSND 0310-00002

Capitol Switchboard Operators around 1940

Filing Complaints

Three Step Process

Step 1 - Initial Review



Step 2 - Informal Resolution



Step 3 - Investigation and
Commission Action



Step 1 - Initial Review



Initial review to determine two main things:

- (1) if the Commission has jurisdiction over the respondent (personal jurisdiction); and
- (2) if the Commission has jurisdiction over the conduct alleged (subject matter jurisdiction)

Step 2 - Informal Resolution



Opportunity offered to complainant and respondent

Ethics Commission acts as a third-party neutral

Successful? —→ Settlement Agreement

Unsuccessful? —→ Investigation

Step 3 - Investigation

Article XIV directs the Ethics Commission to investigate

Complainant no longer involved at this stage

Commission requests and reviews documents and conducts interviews



(Quick Detour) Criminal Conduct



SHSND 00024

Bismarck Police Department 1965

N.D.C.C. § 54-66-08 requires
the Commission to refer
complaints with criminal conduct
to law enforcement

Commission has no discretion
once belief of criminal allegations
forms

Commission continues its process
when criminal matter complete

Three Steps

Commission Action

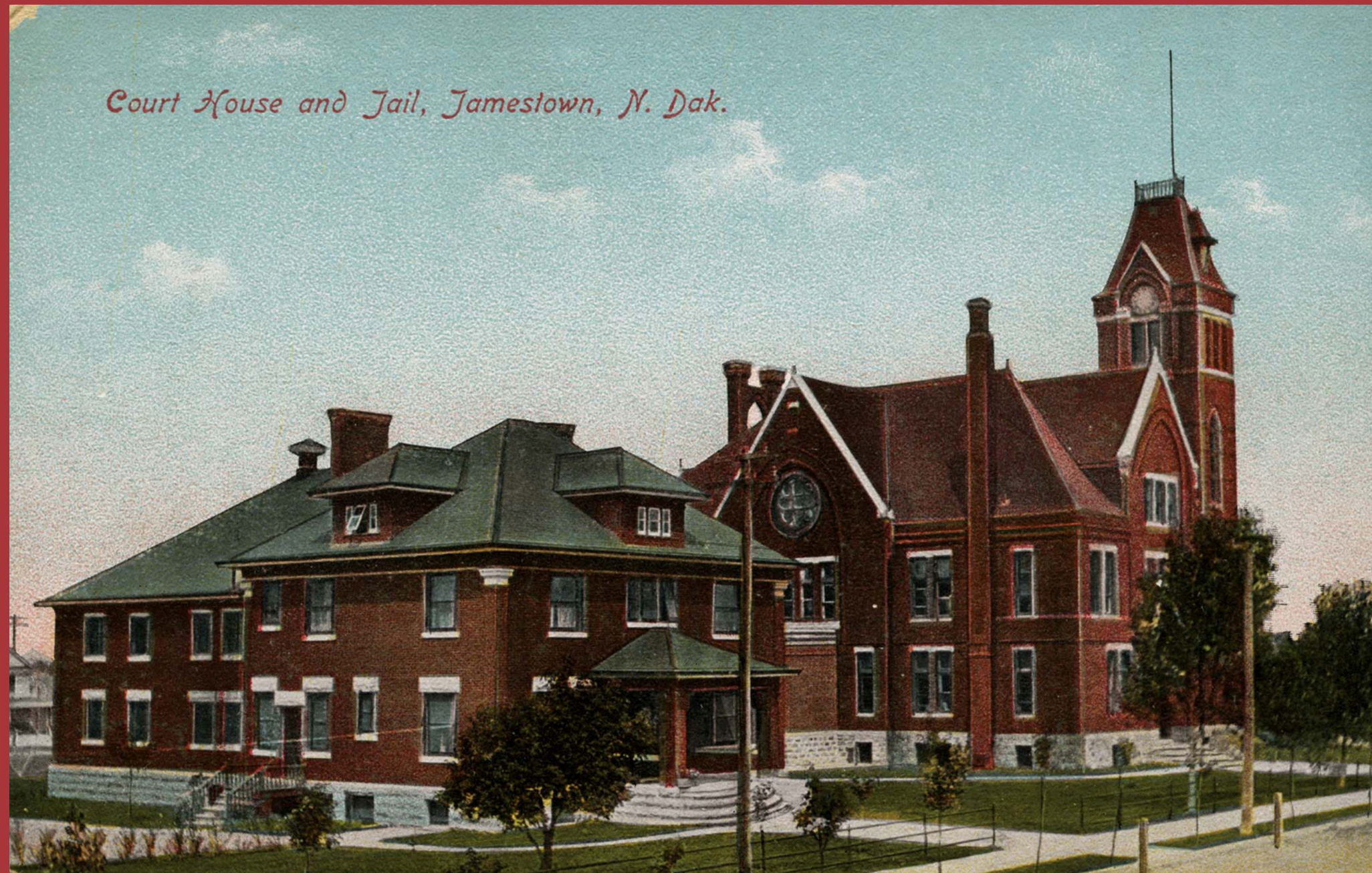


Commission reviews report and recommendation

Respondent may respond in writing or in person

Commission deliberates to determine if violation took place and what penalty to impose, if any

After the Decision



SHSND 0691-00001

1883 Stutsman County Courthouse

May appeal to district court

No appeal or court affirms?
Commission's findings
become public

Complaint Resolution

Questions?





*Thank
you!*

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or

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