



ADMINISTRATIVE RULES OF MONTANA



44.12.213 COMPLAINTS--PROCEDURE

- (1) An individual who believes that a violation of Title 5, chapter 7, MCA, or the rules implementing Title 5, chapter 7, MCA, has occurred may file a written complaint in person or by certified mail with the commissioner. When a complaint is received, it shall be marked to show the date of receipt. Unless the complaint is determined to be insufficient pursuant to (4) , within five days after receipt of a complaint, the commissioner shall, by certified mail, acknowledge its receipt and transmit a copy to the alleged violator. Saturdays, Sundays, and holidays shall be excluded in the calculation of the five-day period.
- (2) A complaint shall be typewritten or legibly handwritten in ink. The complete name and mailing address of the person filing the complaint shall be typewritten or legibly hand printed on the complaint; and the complaint shall be signed and verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall name the alleged violator, and should include the complete mailing address of the alleged violator, if known or readily discoverable.
- (3) Upon receipt of a complaint, the commissioner shall investigate, except as provided in (4) , the alleged violation. The commissioner, upon completion of the investigation, shall prepare a written summary of facts and statement of findings, which shall be sent to the complainant and the alleged violator. Following the issuance of a summary of facts and statement of findings, the commissioner may take other appropriate action.
- (4) No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the alleged violator, is unsigned, or is not verified by oath or affirmation of such person, taken before any officer authorized to administer oaths. In addition, no investigation shall be required if the complaint does not contain sufficient allegations to enable the commissioner to determine that it states a potential violation of a statute or rule within the commissioner's jurisdiction.
- (5) A filed complaint and the summary of facts and statement of findings shall be public record.

Authorizing statute(s): 5-7-111, MCA

Implementing statute(s): 5-7-305, MCA

History: NEW, 1982 MAR p. 1208, Eff. 6/18/82; AMD, 2002 MAR p. 2458, Eff. 9/13/02.