

**TITLE 1: GOVERNMENT**  
**DIVISION 8: PUBLIC EMPLOYMENT**

**§ 8562. Action on Complaints or Investigations.**

(a) Prior to the conclusion of an investigation, the Public Auditor shall give the person under investigation notice of the substance of the complaint and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed by the Public Auditor.

(b) At the conclusion of an investigation, the Public Auditor shall prepare a written report, including a summary of his or her investigation, a complete transcript of any proceeding including, but not limited to, any testimony heard by the Public Auditor, and including recommendations for such administrative or legal action as he or she deems appropriate. If the Public Auditor determines that the complaint is not sustained, he or she shall so state in his or her report and so notify the person investigated and any other person whom the Public Auditor has informed of the investigation. If the person investigated is a public employee and the Public Auditor finds that corrective action should be taken, the Public Auditor shall send his or her report to the head of the public entity in which the employee works. If the person investigated is a department head or appointed official, and the Public Auditor finds that corrective action should be taken, the Public Auditor shall send his or her report to the Governor. If the person investigated is a legislative employee, and the Public Auditor finds that corrective action should be taken, the Public Auditor shall send his or her report to the legislator for whom the employee works. If the person investigated is an elected official, the Public Auditor shall send his or her report to that official and to the Governor. If the person investigated is the Governor or Lieutenant Governor, and the Public Auditor finds that corrective action should be taken, the Public Auditor shall make his or her report public. A person to whom the Public Auditor has transmitted a recommendation for action shall, within 30 days of receipt of the recommendation, report to the Public Auditor in writing the actions taken on the recommendation and, to the extent that the person declines to take any recommended action, provide a statement of reasons for his or her decision.

(c) Nothing in this section shall preclude the Public Auditor from notifying a person prior to or during an investigation that a complaint against him or her is pending and, where appropriate, recommending to him or her corrective action; provided, however, that any such notification and recommendation shall be made in writing and a copy thereof shall be transmitted contemporaneously by the Public Auditor to the Governor.

**Source:** PL 8-11, § 1 (§ 8462), modified.