

Testimony for 1303 - Rep. Dwight Kiefert

Office of Attorney General

I am responding on behalf of the Attorney General to your email. Although you do not provide any details of the alleged violation, I provide the following information.

By law, the Office of Attorney General does not have jurisdiction or authority over the local cities, counties, or state's attorneys. Accordingly, we cannot initiate an investigation at the request of members of the public, nor can we take a complaint about those individuals (see:

<https://attorneygeneral.nd.gov/sites/ag/files/documents/Complaints.pdf>).

The state's attorney is the legal advisor for the county and has a statutory duty to advise the county commission and county officials on legal matters. Therefore, if you believe a county commission is not following the law, you may wish to discuss your concerns with the county state's attorney. However, you may also wish to bear in mind that as the county's legal advisor, the state's attorney may decline to discuss with a private individual any issue on which potential litigation or other administrative action has been threatened. If that is the situation, then your constituents would do better to consult an attorney in private practice who can review their concerns and advise them of their legal options.

The only exception is if the alleged violation relates to the state's open records or meetings laws. This office has specific limited authority over political subdivisions to ensure compliance with the open records and meetings laws. Any member of the public may request an opinion on an alleged violation of the open records or open meetings laws. Our review, however, is purely administrative, and does not alter, affect, void, or reverse any decision or action taken by the public entity.

Information about requesting an opinion on an alleged OR-OM violation is at <https://attorneygeneral.nd.gov/open-records-meetings/requesting-opinion>.

I hope you find this information helpful.

Liz Brocker

Public Information Officer

ND OFFICE OF ATTORNEY GENERAL

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