



FELT MARTIN
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RECEIVED
AUG 24 2023
MONTANA
STATE
OFFICE
OF
POLITICAL
PRACTICES
J. BEUSS

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August 24, 2023

Via Email:

Chris J. Gallus
Commissioner of Political Practices
Christopher.Gallus@mt.gov

Re: Peterson Jr. v. Glendive Unified School via Rhett Coon, Facilities Director, COPP-2023-CFP-012; Peterson Jr. v. Glendive Unified Schools via Stephen Schreibeis, Superintendent, COPP-2023-CFP-013

Dear Mr. Gallus,

This firm has been asked to represent Dawson High School District No. 1, Dawson County (the "School District") in connection with the above-identified Complaints made to the Commissioner of Political Practice regarding alleged violation of election laws. This letter constitutes the Response of the School District to both of the Complaints listed above.

Peterson Jr. v. Glendive Unified School via Rhett Coon, Facilities Director, COPP-2023-CFP-012.

As to the allegations concerned of in COPP-2023-CFP-012, the School District contends that the allegations made contain falsehoods and misstatement of fact. Mr. Peterson's Complaint alleges that school staff were handing out flyers encouraging patrons to vote for the upcoming School District bond during a Fourth of July parade, and that these flyers did not contain a "Paid for By." Moreover, it is alleged that these flyers were being handed out inside the High School on July 26th, 2023 by staff. Mr. Peterson states that he believes these allegations amount to violations of Mont. Code Ann. §§13-1-101(6)(a) and 13-35-226(4).

As to the flyers themselves, they were not paid for by, or distributed by the School District or Rhett Coon, the School District's facilities director. Ultimately, neither the School District or Mr. Coon engaged in the complained of activities or the creation or the distribution of the complained of flyers. Attached as Exhibit 1 is a letter addressed to the Commissioner of Political Practices written on behalf of the GPS Advocates, "a grassroots community organization primarily comprising three local women who are passionate about supporting our local education system." As noted in Exhibit 1, the complained of flyers were "produced independently by GPS Advocates." As the GPS Advocates emphasized, "no district administrator or school staff were involved in the

production of the flyer in any capacity.” By way of this letter, it is clear that neither the School District nor Mr. Coon had any involvement in the creation of the flyer at issue or the lack of any potentially required “Paid for By.”

Importantly, Mont. Code Ann. §13-35-226(4), alleged to have been violated by Mr. Coon and the School District, reads:

A public employee may not solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at the place of employment. However, subject to 2-2-121, this section does not restrict the right of a public employee to perform activities properly incidental to another activity required or authorized by law or to express personal political views.

Here, the statute has no bearing as to what occurred at a community Fourth of July parade off school grounds. Whether or not staff handed out flyers during a parade while off work is of no consequence. Moreover, attached as Exhibit No. 2 is a letter written by Mr. Coon to the Commissioner of Political Practices. As Mr. Coon indicates, he was not involved in the distribution of these flyers at the Fourth of July parade as he was participating in the Glendive Fire Department’s float as Assistant Fire Chief.

Additionally, as explained in detail in Exhibit 2, Mr. Coon, as the Facility Director for the School District, led an informative tour of the Dawson County High School to show the community the physical facilities. As the staff member responsible for the tour, Mr. Coon did not distribute the complained of flyer, but was rather given one himself by a member of the community which attended the tour. Rather, Mr. Coon simply walked community members around the facilities showing them “boilers, steam pipes, classrooms, roof leaks, etc.” Again, the School District denies that it had any involvement in the distribution of the flyers at issue, and that Mr. Peterson’s allegations as they related to §13-35-226(4) are misplaced considering what actually occurred on these dates. Ultimately, the School District, and Mr. Coon, committed no violation of Montana law as alleged by Mr. Peterson.

Peterson Jr. v. Glendive Unified Schools via Stephen Schreibeis, Superintendent, COPP-2023-CFP-013

Regarding the allegations of COPP-2023-CFP-013, Mr. Peterson alleges that Stephen Schreibeis, Superintendent of the School District, violated Mont. Code Ann. “§13-35-218(1)-(A) and 13-25-215 (1)-(A-B) (2)-(A-B).” As §13-25-215 doesn’t exist, the School District will assume that Mr. Peterson was citing to §13-35-215. Regardless, the facts underlying the allegations are somewhat agreed upon. Mr. Schreibeis was properly furnished a voter registration list, for non-commercial use, which is proper under Montana law. *See* Mont. Code Ann. § 13-2-122. Moreover, Mr. Schreibeis did send the email attached to the Complaint, from his school email address on July 20th at 2:06 pm, the email was sent from Mr. Schreibeis’ school laptop and was intended to go to all staff in the School District. While Mr. Schreibeis possibly sent the email from his office, he had composed the email in his free time at home. Regardless, this email does not in any way violate Montana law.

Mont. Code Ann. §13-35-218(1)(a) reads,

- (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:
 - (a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person.

Mr. Schreibeis' email, which generally relayed facts regarding voter turnout, including the general numbers for school staff, and his opinions related to the need for the school bond, cannot in any sense be looked at as a threat to use "force, coercion, violence, restraint, or undue influence against any person." The email at issue contains no such implication of coercion or undue influence against any singular person, but rather was an email urging individual's to utilize their right to vote, rally the community, and outlining why he believed the school bond was an important issue. This action does not meet the conduct concerned of in Mont Code Ann. §13-35-218.

Similarly, Mont. Code Ann § 13-35-215 is completely inapposite on this matter and reads,

A person, directly or indirectly, individually or through any other person, may not:

- (1) before or during any election, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at the election or for inducing another to do so:

- (a) receive, agree, or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for the person or any other person; or

- (b) approach any candidate or agent or person representing or acting on behalf of any candidate and ask for or offer to agree or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for the person or any other person;

- (2) after an election, for having voted or refrained from voting or having induced any other person to vote or refrain from voting at the election:

- (a) receive any money, gift, loan, valuable consideration, office, place, or employment; or

- (b) approach any candidate or any agent or person representing or acting on behalf of any candidate and ask for or offer to receive any money, gift, loan, liquor, valuable consideration, office, place, or employment for the person or any other person.

The statute is irrelevant to Mr. Peterson's Complaint or to the email. There has been no evidence or allegations made that the School District or Mr. Schreibeis somehow made an agreement or offer to any individual regarding any money, gift, loan, valuable consideration, or employment. Again, Mont. Code Ann § 13-35-215 is completely irrelevant to the actions of the School District and Mr. Schreibeis.

Furthermore, Mr. Schreibeis' action of sending the email was completely within his purview, as Montana law specifically allows such actions by school superintendents. While

Montana statutory authority generally disallows a public employee from using public time and facilities to "solicit support for...a ballot issue" there is a specific exception that allows such use of public time and facilities, in regard to ballot issues, "including the dissemination of information by a board of trustees or a school superintendent...in support or opposition to a bond issues or levy submitted to the electors." Mont. Code Ann. §2-2-121(3)(b)(i)(C). As such, Mr. Schreibeis' action was allowable under Montana law considering that his email regarded a bond issue that was to be submitted to the electors and considering that he was acting as the superintendent of the School District.

Ultimately, the Complaints lodged against the School District, Mr. Coon, and Mr. Schreibeis, are unfounded. The School District played no part in the creation or dissemination of the of the flyers Mr. Peterson complains of, and as such, are not proper parties to that Complaint. Moreover, Mr. Schreibeis' email to staff regarding a school bond was not a violation of Montana law, but rather a specifically allowable action carried out by the Superintendent of the School District. Therefore, none of the alleged violations of Montana law carry any merit and should be dismissed.

Sincerely yours,
FELT MARTIN PC



Nyles G. Greer
Attorneys for Dawson High School District No. 1, Dawson County
Enclosure

August 16, 2023

Commissioner of Political Practices
1209 8TH Ave.
P.O. Box 202401
Helena, MT 59620-2401

Subject: Declaration of Ownership and Responsibility for High School Bond and Levy Awareness Flyer

Dear Commissioner of Political Practices,

I hope this letter finds you well. I am writing on behalf of GPS Advocates, a grassroots community organization primarily comprising three local women who are passionate about supporting our local education system. I would like to formally declare the ownership and responsibility for the creation and dissemination of a flyer aimed at creating awareness and support for the recent High School Bond and Levy.

The flyer in question was produced independently by GPS Advocates as part of our efforts to inform and engage the community about the upcoming High School Bond and Levy vote. We operate informally and we established a Facebook group to facilitate the sharing of accurate and relevant information regarding the bond and levy.

The flyer was created solely on behalf of GPS Advocates. We want to emphasize that no district administrators or school staff were involved in the production of the flyer in any capacity.

Our goal was to provide factual information to the community to enable well-informed decisions during the voting process. We did not create a formal organization due to the short duration of the election period and lack of volunteers that would be necessary to function as a formal entity. We also didn't feel we had time to do any fundraising and carry out typical campaign efforts, so we made our voices heard using our own time and resources.

We believe in the importance of transparency and accountability, and that is why we are formally declaring our ownership and responsibility for the flyer. We want to assure you that our actions have been in full compliance with ethical and legal standards.

Please consider this letter as an official statement from GPS Advocates regarding the ownership and production of the flyer in question. If you require any further information or documentation, please do not hesitate to contact us.

Thank you for your attention to this matter. We appreciate your dedication to ensuring fair and transparent practices within our political system.

Sincerely,



Jamie McMillan (jamierahr@hotmail.com/406-697-7545)
Sarah Thorson (sarah_thorson@hotmail.com/406-694-3760)
on behalf of GPS Advocates



Facilities: Construction & Maintenance
900 N Merrill Ave, Glendive MT 59330
Main Office: 406-377-5293

Rhett Coon - Facilities Director

Office: 406-377-5409

Cell: 406-939-7587

coonr@glendiveschools.org

From
Rhett Coon
Facilities Director - Glendive Public Schools
Glendive MT, 59330
8/16/23

To:
Chris J. Gallus
Commissioner of Political Practices
1209 Eighth Ave
Helena, MT 59620-2401

Response to Accusations: Peterson Jr. v Glendive Unified School via Rhett Coon, Facilities Director, COPP-2023-CFP-012

Dear Mr. Gallus,

I received your email dated 8-15-23 which included an alleged complaint in which I, Rhett Coon, violated Campaign Finance and Practices during the month of July in regards to the Dawson County High School bond and levy election.

The allegations are false in every sense. I had no knowledge of any flyers or printed materials of any kind that were either in favor or against the school bond election until minutes before the said picture of me was taken that was placed on the front page of the Ranger Review. I had no participation in the information gathered for the flyers, nor printing or creation of the flyers.

In the opening sentence of the complaint filed by Charles Jeffery Peterson Jr., Mr. Peterson alleges that I had involvement in dispersing materials during the City of Glendive 4th of July Parade of 2023. I did not have any knowledge nor participation in such activity. **In fact, as I am also the Assistant Fire Chief of the City of Glendive Fire Department, I was a passenger in the Incident Command Vehicle, LEADING THE PARADE along with the Fire Chief of the Glendive Fire Department.** I spent the morning before the parade, decorating the fire trucks for the parade. We, as the Fire Department who leads each and every parade arrived early to the parade staging location on Merrill Ave. I remained there while other parade floats lined up for the parade. Once the parade started, we led the parade to the conclusion. I then went to and remained at the City of Glendive Fire Department until all trucks were undecorated and made ready to be put back in service. I was at the Fire Department for hours before the parade, during, and for hours after the parade.

Attached with this response is a statement from the Glendive Fire Chief verifying the above statements.

As to the second part of Mr. Peterson's allegation, the principal of the Dawson County High School organized a pre-election tour of the High School to allow anyone from the public to attend and tour the school to view all of the issues in person. This was intended to be a transparent INFORMATIVE tour to show everything in and about the High School and how the physical facilities are operated.

As the Facility Director, I was asked to lead the INFORMATIVE TOUR as I had the most in depth knowledge of the workings of the school's infrastructure.

There were approximately 40-45 community members who showed up for the tour. At the start of the tour, someone handed me one of the flyers in question. **THIS WAS THE FIRST THAT I HAD SEEN OR HAD HANDLED A FLYER. I HAD NO IDEA OR KNOWLEDGE OF WHERE IT CAME FROM, WHO CREATED IT, OR WHO BROUGHT IT. IT WAS NOT PART OF MY PRESENTATION FOR THE TOUR. I HAD NO PRINTED MATERIALS PREPARED FOR THE TOUR. I DID NOT HAND OUT ANY FLYERS FOR THE TOUR. IT WAS JUST ME WALKING COMMUNITY MEMBERS THROUGH THE SCHOOL SHOWING THEM BOILERS, STEAM PIPES, CLASSROOMS, ROOF LEAKS, ETC.**

EXHIBIT 2

The one singular flyer that was in my hand was the only flyer that I have ever seen or handled. After the tour I threw it in the trash. I was preparing myself for the tour and interacting with community members when the flier was handed to me. I did not even have a chance to read the entire flyer. I can not recall who even handed me the flier.

In conclusion, Mr. Peterson's complaints are baseless, frivolous, and burdensome to the taxpayers of the Dawson County High School District. At the start of the tour, Mr. Peterson made outbursts that were intended to intimidate and frighten the community members who were present to tour the school. He stated that he wanted to demand answers from school board members. When he was informed and realized that the tour was just an informational tour of the facilities, and that it was not a legally noticed or scheduled school board meeting and that **the tour was not a venue to debate FOR or AGAINST the bond**, he left the tour.

I emphatically state that I had NO INVOLVEMENT IN ANY CAMPAIGN OR MATERIALS CREATED FOR A CAMPAIGN.

A handwritten signature in cursive script, appearing to read "Rhett Coon".

Rhett Coon
Facilities Director