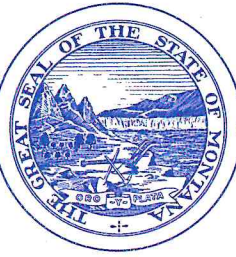


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

April 13, 2023

1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

Faith Scow
1812 A Street
Butte, MT 59701

Butte Silver Bow County Democratic Central Committee
Attn. Ashley Johnson, Treasurer
PO Box 4744
Butte, MT 59702

Subject: Complaint received March 16, 2023; *Kephart v. Scow/Butte Silver Bow Democratic Central Committee, COPP-2023-CFP-001*

The enclosed complaint alleges a violation of Montana's campaign reporting and disclosure laws. The complaint is accepted as conforming to the requirements of 44.11.106 ARM, the administrative rule regarding campaign complaints.

The complaint alleges that you failed to timely or properly file certain campaign finance reports. Pursuant to Mont. Code Ann. §13-37-132, I formally request your response to this allegation in writing, specifically detailing election activity conducted by the Butte Silver Bow Democratic Central Committee in election years 2019, 2020, 2021, and 2022.

Please provide your response by 5:00 PM on Friday, April 21, 2023.

The response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

This office is now conducting a legal review and an investigation of records currently in your possession is subject to a pending investigation. While I do not anticipate that you would intentionally destroy these records, due to the severity of the penalty, I feel compelled to provide you with the relevant statute in this regard. See, Attached Mont. Code Ann. §45-7-2-7 (Tampering with or fabricating physical evidence). This Office will need to review documents connected to your activity during the prescribed period. Accordingly, Mont. Code Ann. §13-37-111 authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena

witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation. Further, Mon. Code Ann. §13-37-208 requires that the treasurer for each candidate and political committee preserve campaign account documents for at least four years.

To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained even these records might need to be produced if attorney/client privilege is not involved. As indicated, your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in Mont. Code Ann. §45-7-2-7 (attached).

I appreciate your time and consideration of this important matter.

Regards,

A handwritten signature in blue ink that reads "Chris J. Gallus". The signature is written in a cursive, flowing style.

Chris J. Gallus
Commissioner of Political Practices

MCA Contents / TITLE 45 / CHAPTER 7 / Part 2 / 45-7-207 Tampering wit...

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.

Created by **LAWS** 