

## SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jeffrey A. Mangan, in his official capacity as the current Montana Commissioner of Political Practices (hereinafter “the Commissioner”) and the following party: Franklin D. Kluesner, II (hereinafter “the Respondent”).

Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana’s campaign finance and practices laws and rules, §§13-37-124 and 13-37-128 Mont. Code Ann. In order to avoid litigation, the Commissioner and the Respondent enter into this agreement to resolve this matter.

1. The Commissioner acknowledges that a Campaign Finance and Practices Complaint was filed against the Respondents for violation of Montana’s campaign finance and practices laws on August 20, 2018.
2. On September 25, 2018 the Commissioner issued a Summary of Facts and Finding of Sufficient Evidence to Show a Violation of Montana’s Campaign Practices Act, the Commissioner’s cause number COPP-2018-CFP-036 (hereinafter “the Decision”). The Decision determined that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
3. The Respondent acknowledges that they have read and understand the Commissioner’s decision issued in the above referenced cause.
4. The Respondent acknowledges the findings of fact contained in the Decision and admits violations of Montana's Campaign Finance and Practice Law including:
  - a) failure to timely report the value of an in-kind contribution to the campaign, Mont. Code Ann. § 13-37-229 and Mont. Admin. R. 44.11.402.
5. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, and a payment of a civil fine in the amount of \$100.00 by the Respondent, fully and finally resolves all of the issues as set forth in the Decision.
6. Simultaneously with the return of the executed settlement agreement the Respondent will remit to the Commissioner \$100.00, on a check made out to: “Commissioner of Political Practices” and mailed to the Office of the Commissioner of Political Practices, 1209 8<sup>th</sup> Avenue, P.O. Box 202401, Helena, Montana, 59620.
7. In consideration of payment of the civil fine referenced above, the Commissioner agrees not to pursue any further administrative or court proceedings against the

Respondent or other persons that may be named or unnamed in the Decision, based on the matters discussed in the Decision and in this Settlement Agreement.

8. The Respondent enters into this agreement to avoid litigation and to resolve and settle this dispute with the Commissioner. It is understood and agreed that the payment of the civil fine referenced above, and execution of this settlement agreement by the Respondent is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims.
9. The Commissioner and the Respondent fully and forever release and discharge each other and their respective officials, officers, members, employees, successors, assigns, agents, ostensible agents, attorneys, and representatives from any and all actions, claims, causes of action, demands, expenses, damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the matters investigated by the Commissioner and summarized in the Decision and in this Settlement Agreement.
10. The Commissioner and the Respondent agree that the executed Settlement Agreement is a public document and will be made available to members of the public.
11. This settlement agreement, consisting of 2 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondent. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.

  
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Jeffrey A. Mangan  
Commissioner of Political Practices

10/19/18  
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Dated

  
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Franklin D. Kluesner, II

10/5/2018  
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Dated