

THE STATE OF MONTANA

Commissioner of Political Practices
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www.politicalpractices.mt.gov

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2020 MAY 19 P 2:25

COMMISSIONER OF
POLITICAL PRACTICES

HAND DELIVERED

SIGNED/NOTARIZED

Ethics

HAND DELIVERED

Complaint Form (10/17)

Hand delivered copy

Person bringing complaint (Complainant):

Type or print in ink all information on this form except for verification signature

Complete Name Spencer Merwin

Complete Mailing Address PO Box 935

Helena, MT 59624

Phone Numbers: Work (406) 640-4385 Home _____

Person or organization against whom complaint is brought (Respondent):

Complete Name Lt. Governor Mike Cooney

Complete Mailing Address PO Box 200801

Helena, MT 59620-0801

Phone Numbers: Work 406-444-3111 Home _____

Please complete the second page of this form
and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of Missoula

I, Spencer Merwin, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.



Signature of Complainant

Subscribed and sworn to before me this 19 day of
May, 2020.

Kelly S. Stengem

Notary Public

My Commission Expires: 09/30/2023

Statement of facts:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

Please see attached

Complaints must be:

- signed
- notarized
- delivered to the Commissioner in person or by mail.

Mr. Jeff Mangan
Commissioner of Political Practices
1209 8th Ave
Helena, MT 59620-2401

Commissioner Mangan,

I write to file this formal ethics complaint against Lt. Governor Mike Cooney alleging violations of § 2-2-121(3)(a), MCA.

Overview

§ 2-2-121(3)(a), MCA is a provision of state ethics law mandating that “a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office...”

Lt. Governor Mike Cooney knowingly and intentionally violated that ethics provision of Montana law on April 13th while participating in a conference call with the Democratic Governors Association (“DGA”) from his office in the Montana Capitol. Furthermore, Mr. Cooney admitted to the wrongdoing on May 18th in a news article published by MTN News.

Mr. Cooney’s participation in a campaign strategy call, which potentially warrants further investigation, while on public time and on state property, is in clear violation of § 2-2-121(3)(a), MCA.

Key Facts and Allegations:

A conference call held by the Democratic Governors Association (“DGA”) occurred on April 13th, 2020.

Lt. Governor Cooney participated in the conference call from his office in the Montana State Capitol as documented in a photo shared by MTN News on May 18th, 2020.

Lt. Governor Cooney’s campaign alleges that a “personal laptop was used and no state personnel, equipment or supplies were used” to participate in the call.

§ 2-2-121(3)(a), MCA clearly states that “a public officer or public employee may not use or permit the use of public time” or “facilities” for the “election of any person to public office.”

Mr. Cooney’s use of “public time” and “facilities” for “the election of any person to public office” in this matter are in clear violation of § 2-2-121(3)(a), MCA.

Actions Requested of the Commissioner to Remedy this Situation

I am requesting the Commissioner of Political Practices take the following actions, in accordance with all relevant laws, rules, and procedures, to investigate and remedy the allegations contained in this complaint:

1. Conduct a thorough investigation into this matter, including identifying whether this is a pattern or an isolated incident, given the Cooney campaign's dismissal of this serious matter as a mere distraction.
2. If, at the conclusion of his investigation, the Commissioner finds that Lt. Governor Cooney violated § 2-2-121(3)(a), MCA as alleged, then I submit that the Lt. Governor be held accountable in an equitable manner for the alleged offense.

Thank you for your time and attention to this matter.

Sincerely,

Spenser Merwin
Executive Director
Montana Republican Party

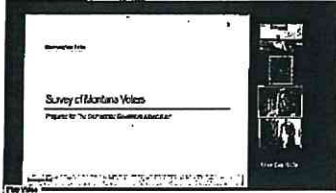


NEWS MONTANA POLITICS



Lt. Gov. Cooney used Capitol office during campaign-related call

His campaign calls it 'isolated incident'



Survey of Montana Voters
PROPERTY OF THE DEMOCRATIC GOVERNORS ASSOCIATION

1. Name: _____
2. Email: _____
3. Phone: _____
4. Address: _____
5. City: _____
6. State: _____
7. Zip: _____
8. How did you hear about this survey? _____
9. How often do you use the internet? _____
10. How often do you use social media? _____
11. How often do you use a mobile phone? _____
12. How often do you use a laptop? _____
13. How often do you use a tablet? _____
14. How often do you use a smart TV? _____
15. How often do you use a smart speaker? _____
16. How often do you use a smart home device? _____
17. How often do you use a smart car? _____
18. How often do you use a smart watch? _____
19. How often do you use a smart home security system? _____
20. How often do you use a smart home energy management system? _____

By Mike Decker

Published 5:45 PM MDT on 05/19/2020 at 5:45 PM MDT

HELENA

Lt. Gov. Mike Cooney, who's running for governor, used his Capitol office last month to participate in a campaign conference call, MTN News has learned — a possible violation of state law.

Cooney, one of two Democrats running for Montana's open governor seat, spent about a half-hour on the April 13 call with the Democratic Governors Association, discussing campaign strategy, his campaign confirmed Monday.

MTN News obtained a screenshot of Cooney during the video conference call, showing him sitting on a stool in the lieutenant governor's office in the east wing of the Capitol. State ethics law says public officials are prohibited from using "public time, facilities, equipment, supplies, personnel or funds" to solicit support or opposition to any candidate.

The Cooney campaign told MTN News that Cooney used a personal laptop for the call and that no state personnel, equipment or supplies were involved. His opponent in the Democratic primary, Missoula businessman Whitney Williams, also participated in the call, his campaign said.

Cooney campaign manager Emily Harris said Monday that circulation of the picture of Cooney on the call "is nothing more than an attempt to distract voters from what really matters in this election: electing a governor with tested leadership. Montanans can trust."

The winner of the Democratic primary on June 2 will take on the Republican incumbent and a Green Party and Libertarian candidate this fall.

Cooney's campaign said the call is an "isolated incident" because Cooney was on a tight schedule between meetings, and wanting to be on a subsequent tele-town hall with Gov. Steve Bullock on the Covid-19 crisis.

"The Montana governor does not routinely listen to these sorts of calls in his office and regrets if this isolated incident amounted to a technical conversation of the rule ... cited," his campaign said in a statement. "He was unavoidably in the office because he is helping lead Montana through a new-to-a-century crisis. ..."

"The lieutenant governor conducts all of his political fundraising and other work for his campaign at home or in a private office."

No ethics complaint has been filed against Cooney related to the call.

Read's live

Statement
Effect SO Strict White House Rules Helms Trump Must Follow
in Pop

Statement
Man Who Predicted Trump's Win Makes Another Prediction
in Montana

Statement
Most banks pay only 0.05% APY. These banks pay 20x the norm.
Reviews

Great Falls/Conrad County Closes: May 2020 "Most Wanted" List

Best PRCA rodeo associated

Statement
I'm Announcing My VP Pick Here

Statement
The goods trick every Astoria shopper should know

Statement
Here's What Plumbing Services Should Cost You in Missoula. Research Local Emergency Plumbing Service in Missoula
Missoula Search

Gyms and fitness centers ready to re-open

ENJOY

7



You can sign up to be part of a coronavirus challenge trial



What is Rebound: Montana?

rebound

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