

THE STATE OF MONTANA

Commissioner of Political Practices 1209 Eighth Avenue Post Office Box 202401 Helena, MT 59620-2401 Phone: 406-444-2942 Fax: 406-444-1643 www.politicalpractices.mt.gov

ADDD

HAND DELIVERED

COPY

FOR OFFICE USE ONLY

RECEIVED

2020 OCT 28 P 3:25

HAND DELIVERED

COMMISSIONER OF POLITICAL PRACTICES

SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name

Spenser 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

Mike Cooney for Governor

Complete Mailing Address

PO Box 1825

Helena, MT 59624

Phone Numbers:

Work

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



JAMIE LEE THOMPSON NOTARY PUBLIC for the State of Montana Residing at Missoula, Montana My Commission Expires May 30, 2021

Signature of Complainant

Subscribed and sworn to before me this 28th day of October, 2020.

Notary Public

My Commission Expires:

**Campaign Finance and Practices
Complaint Form**

Page 2

Statement of facts:

Describe in detail the alleged violation(s) 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.

See attached

Complaints must be:

- signed
- notarized
- delivered in person or by mail.



WE'RE BETTER, TOGETHER!

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

Commissioner Mangan,

I write to file this formal complaint against the Mike Cooney for Governor campaign and Perkins Coie, LLP alleging violations of MCA § 13-35-227, MCA § 13-37-225, MCA § 13-37-226, MCA § 13-37-229, ARM 44.11.502, and ARM 44.11.403 following the legal work done by Perkins Coie, LLP on behalf of Mr. Cooney.

Overview

The Mike Cooney for Governor campaign either illegally accepted a corporate in-kind contribution from Perkins Coie, LLP or failed to disclose expenditures to Perkins Coie, LLP for legal counsel provided to the Cooney campaign when responding to a campaign finance complaints on August 28th and September 21st.

Complaint Summary

The Mike Cooney for Governor campaign knowingly and intentionally violated the provisions of Montana law referenced above by either accepting in-kind corporate contributions or failing to disclose expenditures to Perkins Coie, LLP for counsel provided to the campaign when responding to a campaign finance complaint on August 28th and September 21st. The Mike Cooney for Governor campaign disclosed expenditures to Perkins Coie, LLP in its September 2020 report for legal services provided on August 28th, yet no disclosure was made for similar services on September 21st. Additionally, the August expenditure that was reported presents a different violation regarding fair market value of the services rendered as outlined below.

Key Facts and Allegations:

1. On October 16, 2020, COPP factually found that Cooney responded to two campaign finance complaints through Perkins Coie counsel on August 28 and September 21, 2020. (*Merwin v. Cooney*, COPP 2020-CFP-034 at 4-5.)

2. In its September 2020 report, the Mike Cooney for Governor campaign reported an expenditure to Perkins Coie for work on the response to the August complaint as \$892.50.
3. In its October 2020 report, the Mike Cooney for Governor campaign reported no expenditure to Perkins Coie for work on the response to the September complaint.
4. MCA § 13-35-227 prohibits corporations from making, and candidates from receiving, corporate contributions to candidates.
5. MCA § 13-37-225 requires disclosure of expenditures made and contributions received pursuant to MCA § 13-37-226 and § 13-37-229. *See also* ARM 44.11.502. In-kind contributions must be reported at fair market value. ARM 44.11.403.
6. The August Perkins Coie expenditure appears underreported. According to public documents, the typical Perkins Coie rate is \$720/hour. *See* Order, https://www.nccourts.gov/assets/inline-files/190607-Order_on_Atty_Fees.pdf?O0Q21tqLquq.i2VfxELGBweLNM5V82R, at p. 5. The reported \$892.50 on the September 2020 report would amount to a fair market value of 1.24 hours of legal work, an amount that seems unreasonably low for reviewing, advising, and responding to a COPP complaint.
7. If the Mike Cooney for Governor campaign accepted a portion of Perkins Coie work in August and all of Perkins Coie work in September pro bono, Perkins Coie made, and the Cooney campaign accepted, an illegal corporate contribution to Cooney's campaign.
8. If the Cooney campaign instead underreported and failed to report Perkins Coie expenditures in August and September, respectively, Cooney violated Montana's disclosure requirements.

Actions Requested of the Commissioner to Remedy this Situation

I am requesting that the Commissioner of Political Practices, in accordance with all relevant laws, rules, and procedures, investigate and remedy the allegations contained in this complaint.

Thank you for your time and attention to this matter.

Sincerely,

Spenser Merwin
Executive Director
Montana Republican Party