

Commissioner of Political Practices  
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www.politicalpractices.mt.gov

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2020 APR 20 P 3 24

COMMISSIONER'S  
POLITICAL PRACTICES



SIGNED/NOTARIZED  
POSTMARKED

APR 17 2020

### 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 JEFFREY C. CESTREICHER  
Complete Mailing Address 3230 QUARTER HORSE CT  
HELENA, MT 59602  
Phone Numbers: Work \_\_\_\_\_ Home 406-590-3130

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

Complete Name Americans Prosperity Group - Charles Gannt, Treasurer  
Complete Mailing Address 138 Conant St  
Beverly, MA 01916  
Phone Numbers: Work 617-231-4328 Home 978-290-8180 (mobile)

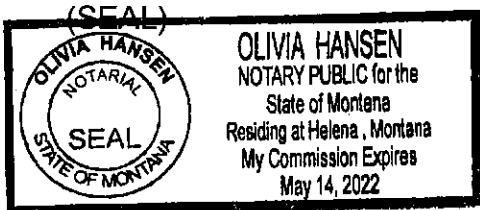
**Please complete the second page of this form and describe in detail the facts of the alledged violation.**

#### Verification by oath or affirmation

State of Montana, County of LEWIS & CLARK

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

Jeffrey C. Cestreich  
Signature of Complainant



Subscribed and sworn to before me this 17 day of APRIL, 2020.

[Signature]  
Notary Public

My Commission Expires:

**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.**

American Prosperity Group (APG) has violated ARM 44.11.201 and ARM 44.11.302 by failing to register and file appropriate campaign finance reports with the Commissioner of Political Practices while conducting electioneering communications activity on behalf of Gubernatorial candidate Tim Fox. Additionally, APG's pro-Fox electioneering communication violates ARM 44.11.601 attribution requirements.

On or before March 23<sup>rd</sup> 2020, American Prosperity Group (through its Treasurer Charles Gantt and/or agent Red Eagle Media Group) purchased airtime to begin airing a television ad (Exhibit A) on the Spectrum cable system in Montana (Exhibit B). The full value of the ad buy is approximately \$33,218, according to information from Spectrum cable system.

Given that the advertisement in question "refers to one or more clearly identified candidates" (Gubernatorial candidate Tim Fox); and it is occurring "within 60 days of the initiation of voting in an election", this advertisement meets the definition of "Electioneering Communication" as defined in MCA 13-1-101(16).

**Violation #1 – ARM 44.11.201** - Failure to File C-2 Statement of Organization. A search of the CERS and Hard Copy reporting systems on the CoPP website reveal that APG has failed to its C-2 Statement of Organization as of 3/27/2020.

**Violation #2 – ARM 44.11.302** – Failure to File C-6 reports. A search of the CERS and Hard Copy reporting systems on the CoPP website reveal that AP has not filed any C-6 forms as of 3/27/2020.

Gubernatorial candidate Tim Fox has been informing potential supporters and contributors of a "Super PAC" that would be helping his efforts. Since 2019, it is likely that American Prosperity Group has been raising money for this effort and has failed to file a C-6 covering 2019 activity, in direct violation of ARM 44.11.302.

**Violation #3 – ARM 44.11.601** – Failure to properly attribute campaign material. The disclaimer provided at the end of the television ad (exhibit A) does not contain the treasurer's name or committee address as required by ARM 44.11.601. While the Commissioner has ruled this violation as *de minimus* in other cases, it should not be ruled so in this case for several reasons:

- 1) The value the television buy of \$33,000+ makes it hard to reason that a failure properly attribute it is *de minimus*
- 2) The inadequate disclaimer is likely part of APG's broader effort to hide the true source of the funding for this expenditure.
- 3) The missing disclaimer information makes it virtually impossible for the general public to track down this organization since they have no online presence or connection to Montana.

Exhibit A

Screenshot of Ad

CALL ATTORNEY GENERAL

406-444-2026

—TELL HIM TO  
KEEP STANDING WITH

TO PROTECT MONTANA FAMILIES.

PAID FOR BY MONTANA PROSPERITY GROUP

Exhibit B

Spectrum order Form for 3/23/20 Order

Ampersand Cable System Order

Order #	62746561	Flight Dates	03/23/20 - 04/05/20	Update Date	03/23/20
Syscode	8285	Agency	Red Eagle Media Group	Version	1 Vs. 1
System Name	Spectrum/Butte Interconnect, MT	Advertiser	American Prosperity Group	Show All Lines	
Market	Butte, MT	Client Code	MT	Total # of Weeks	2
AE	Colin Diederich	Product Code	03240401	Total	\$7,714.00
Sales Coordinator	Enna Stanman	Est Code	11605	Commission	\$1,157.17
Office	Washington	Product Name	MT 3,34-4.1	Net Total	\$6,556.83
Phone	(301) 941-2620	Cred. Status	Cash in Advance	Total Spots	44
Status	Accepted	Primary Demo	Adults 35+	Affiliate Split	100.0
Survey	DMA Nielsen Live+1 Oct19	Makegood Policy	Approval Required	Sold On	Cost Per Spot
				GRP	GMP
				CPP	CPM

Comments: 3/23 NEW ORDER beginning 3/24 Please review and confirm, thanks!

Line	Rate	Program	Start Date	Stop Date	Start Time	Stop Time	M	T	W	T	F	S	S	RTG	IMP	Total Spots	Unit Cost	Total Cost	Spot Len	Line Comment
1	FXNC	FXNC EM	3/23/20	3/29/20	05:00	09:00		X	X	X	X	X	X	-	-	8	\$124.00	\$744.00	30	
2	FXNC	FXNC EM	3/30/20	4/6/20	05:00	09:00	X	X	X					-	-	3	\$124.00	\$372.00	30	
3	FXNC	FXNC DT	3/23/20	3/29/20	09:00	16:00		X	X	X	X	X	X	-	-	8	\$110.00	\$880.00	30	
4	FXNC	FXNC DT	3/30/20	4/6/20	09:00	16:00	X	X	X					-	-	3	\$110.00	\$330.00	30	
5	FXNC	FXNC EF	3/23/20	3/29/20	16:00	19:00		X	X	X	X	X	X	-	-	8	\$183.00	\$1,464.00	30	
6	FXNC	FXNC EF	3/30/20	4/6/20	16:00	19:00	X	X	X					-	-	3	\$183.00	\$549.00	30	
7	FXNC	FXNC PT	3/23/20	3/29/20	19:00	24:00		X	X	X	X	X	X	-	-	11	\$233.00	\$2,563.00	30	
8	FXNC	FXNC PT	3/30/20	4/6/20	19:00	24:00	X	X	X					-	-	8	\$233.00	\$1,864.00	30	

	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Total
SPOTS	29	15	0	0	0	0	0	0	0	0	0	0	44
AMT	\$5,265.00	\$2,649.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,714.00

SYSTEM AFF: \_\_\_\_\_ GALES \_\_\_\_\_ ACCT \_\_\_\_\_ Date Printed: 03/24/20  
 62746561 | Butte, MT | Spectrum/Butte Interconnect, MT | 8288 |