

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Visualeyes, Inc. DBA Signs Now Helena v. Tonkay No. COPP 2022-CFP-018	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN PRACTICE ACT VIOLATION
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On August 26, 2022, Visualeyes, Inc. DBA Signs Now Helena filed a campaign practices complaint against Alden Tonkay of Helena, MT. The complaint alleged that candidate Tonkay failed to accurately reflect all campaign contribution and expenditure activity on reports filed with COPP, specifically a failure to properly report an obligation owed to them by candidate Tonkay as a debt.

SUBSTANTIVE ISSUES ADDRESSED

Filing of true, complete, and correct campaign finance reports and statements. Proper and timely filing of a campaign debt.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: On June 23, 2021, Alden Tonkay filed a C-1 Statement of Candidate as a candidate for HD 82 in Lewis & Clark County with the COPP. On the Statement of Candidate, candidate Tonkay listed a mailing address of PO Box 6812, Helena, MT 59604 and a physical address of 2115 Missoula Ave. #1, Helena, MT 59601. (Commissioner's Records.)

Finding of Fact No. 1A: On January 13, 2022, candidate Tonkay formally filed as a candidate for election to HD 82 with Montana's Secretary of State's office.¹ On this candidate filing, candidate Tonkay listed only an address of 2115 Missoula Ave. #1, Helena, MT 59601. (Commissioner's Records.)

Finding of Fact No. 2: On July 1, 2021, candidate Tonkay filed his Initial C-5 campaign finance report, dated June 23, 2021 through July 1, 2021. This report did not disclose any contributions received or expenditures made by candidate Tonkay. (Commissioner's Records.)

Finding of Fact No. 3: On October 5, 2021, candidate Tonkay filed a Periodic C-5 campaign finance report, dated July 2, 2021 through October 1, 2021. This report disclosed candidate Tonkay as receiving monetary contributions for the primary election totaling \$760.00 and making expenditures for the primary election totaling \$25.68, for a Cash in Bank balance of \$734.32. (Commissioner's Records.)

Finding of Fact No. 4: On January 5, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated October 2, 2021 through December 31, 2021. This report disclosed candidate Tonkay as receiving monetary contributions for the primary election totaling \$1,200.00 and expenditures for the primary election totaling \$977.00, for a Cash in Bank balance of \$957.32. (Commissioner's Records.)

Finding of Fact No. 5: On March 18, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated January 1, 2022 through March 15, 2022. This report did not disclose candidate Tonkay as receiving any contributions for the primary election and making expenditures for the primary election totaling \$957.32, for a Cash in Bank balance of \$0. This report disclosed candidate Tonkay as receiving monetary contributions for the general election totaling \$2,298.76 and making expenditures for the general election totaling \$91.81, for a Cash in Bank balance of \$2,207.15. An Amended version of this report was filed by candidate Tonkay most recently on August 23, 2022. (Commissioner's Records.)

Finding of Fact No. 6: On April 20, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated March 16, 2022 through April 15, 2022. This report disclosed candidate Tonkay as receiving monetary contributions for the general election totaling \$300.00 and making expenditures for the general election totaling

¹ https://app.mt.gov/cgi-bin/filing/index.cgi?ACTION=LIST_LEG

\$82.99, for a Cash in Bank balance of \$2,424.16. (Commissioner's Records.)

Finding of Fact No. 7: On May 20, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated April 16, 2022 through May 16, 2022. This report disclosed candidate Tonkay as receiving monetary contributions for the general election totaling \$1,270.00 and making expenditures for the general election totaling \$2,264.15, for a Cash in Bank balance of \$1,430.01. One (1) expenditure included by candidate Tonkay on this report was to vendor Signs Now Helena, dated May 6, 2022 in the amount of \$1,565.00 for Purpose "1,500 door hangers, 40 yard signs, 100 bumper stickers"; a second expenditure included by candidate Tonkay on this report was to vendor Chili O'Brien's², dated May 6, 2022 in the amount of \$699.15 for Purpose "Catering for a meet and greet event" (see Table 1). An Amended version of this report was filed by candidate Tonkay most recently on August 23, 2022. (Commissioner's Records.)

Finding of Fact No. 7A: On August 30, 2022, Visualey, Inc DBA Signs Now Helena the (Complainant) provided COPP with supplemental information regarding this complaint. Specifically, the supplemental information showed that while on May 6, 2022, candidate Tonkay provided a check to the Complainant in the full amount owed of \$1,565.00³, the Complainant on May 12 received notice from its financial institution that the check could not be deposited because "NSF – Not Sufficient Funds". According to the supplemental information, the Complainant and candidate Tonkay spoke via email to discuss how and when the campaign would provide payment for the items/services it had been provided to resolve this issue beginning on May 21. According to the supplemental information, the Complainant and candidate Tonkay also spoke via text message to discuss how and when the campaign would provide payment for the items/services it had been provided to resolve this issue- as part of this text message correspondence, candidate Tonkay wrote to the Complainant that in addition to owing them he owed vendor Chili O'Brien's as well, indicating that "I just made my first payment to them this week". Also according to the supplemental information, the Complainant sent candidate Tonkay written correspondence demanding payment on August 12, 2022. **See Exhibit A.** (Commissioner's Records.)

² Entity listed as "Chili O'briens" by candidate Tonkay on the C-5 report

³ COPP notes the address listed for candidate Tonkay on this check is 21 Rolling Glen Loop, Three Forks, MT 59752, which is not an address listed on candidate Tonkay's Statement of Candidate

Finding of Fact No. 7B: On October 3, 2022, Heidi O'Brien from Chili O'Brien's contacted COPP to notify that candidate Tonkay had not yet paid in full for the items/services provided. This email correspondence referenced a May 27, 2022 email sent by Chili O'Brien's to candidate Tonkay which stated that "The check for your catering on May 13 was returned to us for insufficient funds. We also received a \$4.00 fee from our bank for the returned check so the current amount due is \$703.15... Please let me know how you'd like to proceed". This email correspondence also stated that another check provided by candidate Tonkay, this one dated June 8, 2022, was "also returned for Not Sufficient Funds". While Chili O'Brien's indicated that candidate Tonkay did provide one (1) payment in the amount of \$180.00 on July 28, 2022, they had not received any additional payments and were still owed \$540.00. **See Exhibit B.** (Commissioner's Records.)

Finding of Fact No. 8: On June 20, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated May 17, 2022 through June 15, 2022. This report did not disclose candidate Tonkay as receiving monetary contributions for the general election and making expenditures for the general election totaling \$600.00, for a Cash in Bank balance of \$830.01. (Commissioner's Records.)

Finding of Fact No. 9: On August 23, 2022, candidate Tonkay filed a Periodic C-5 campaign finance report, dated June 16, 2022 through August 16, 2022. This report did not disclose any contributions received or expenditures made by candidate Tonkay, for a general election Cash in Bank balance of \$830.01. (Commissioner's Records.)

Finding of Fact No. 10: On August 29, 2022, COPP contacted candidate Tonkay via email to notify him this complaint had been received, and requested a formal response be provided in writing on or before September 6, 2022. On September 7, 2022, candidate Tonkay responded to COPP's email stating "My response was mailed yesterday. Thank you". (Commissioner's Records.)

Finding of Fact No. 11: On September 12, 2022, COPP contacted candidate Tonkay via email and U.S. Mail to notify him that no written response had yet been received, and that such a response was required for COPP "to fully evaluate the specific issues identified". The hard copy (paper) version of this correspondence sent via U.S. Mail to candidate Tonkay's listed mailing address of PO Box 6812, Helena, MT 59604 was returned as "Return to Sender- Vacant- Unable to Forward". On September 15, candidate Tonkay responded to COPP's email stating "I have mailed another

copy of my response. Please let me know when it is received. Thanks". (Commissioner's Records.)

Finding of Fact No. 12: COPP did not receive any formal or written response from candidate Tonkay regarding this complaint. (Commissioner's Records.)

Finding of Fact No. 13: Candidate Tonkay did not file a C-5 campaign finance report on or before September 20, 2022. (Commissioner's Records.)

Finding of Fact No. 14: On September 29, 2022, COPP contacted candidate Tonkay via email to notify him that no written response had yet been received and requesting "copies of all campaign bank statements beginning with the establishment of the campaign account, detailing all contributions received and expenditures made" by no later than 5:00 PM Friday, September 30. On September 30 candidate Tonkay emailed COPP to state that "I'm working on getting the bank statements to you today. It'll be in your inbox before you come in on Monday". As of October 4, 2022, COPP had not received any copies of campaign bank statements or related documents from candidate Tonkay. (Commissioner's Records.)

DISCUSSION

Reporting Debts Owed

Applicable Montana campaign finance law and rules clearly lay out what a debt is and how candidates are required to report debts owed. Specifically, Mont. Code Ann. §13-37-229(2)(a)(vi), requires candidates report "the amount and nature of debts and obligations owed by a ... candidate" during each reporting period. 44.11.502(2), ARM, clarifies that "An obligation to pay for a campaign expenditure is incurred on the date the obligation is made, and shall be reported as a debt of the campaign until the campaign pays the obligation by making an expenditure" (emphasis added). In other words, candidates are required to disclose obligations owed to vendor/s as debts, not expenditures.

On his May 20 C-5 campaign finance report, candidate Tonkay reported making campaign expenditures to vendor Signs Now Helena (the Complainant) in the amount of \$1,565.00 and Chili O'Brien's in the amount of \$699.15 (FOF No. 7). As documented in supplemental information provided to COPP by the Complainant, a check written to the Complainant by candidate Tonkay in the amount of \$1,565.00 (the full amount owed by the campaign) could not be cashed due to insufficient funds, and candidate Tonkay still owed them the full \$1,565.00 at the time this complaint was filed (FOF No. 7A, Exhibit A).

Similarly, in a text message sent to the Complainant on July 30, candidate Tonkay indicated that "*I just made my first payment to them*", vendor Chili O'Brien's, "this week" (emphasis added) (FOF No 7A, Exhibit A). Supplemental information provided to COPP by Chili O'Brien's confirmed that as of October 3, 2022, candidate Tonkay had provided that vendor only partial payment, in the amount of \$180.00, with an outstanding balance of \$540.00 still owed (FOF No. 7B, Exhibit B).

By receiving items or services of value for campaign use without providing immediate payment, candidate Tonkay incurred campaign debts to each the Complainant and vendor Chili O'Brien's, 44.11.502(2), ARM. Candidate Tonkay did not appropriately disclose either obligation as a debt owed on the May 20 C-5 report as required, instead reporting as expenditures. By reporting each obligation as an expenditure instead of as a debt owed, candidate Tonkay failed to report the "amount and nature of debts and obligations owed" by his campaign as required by law.

Sufficiency Finding No. 1: Candidate Tonkay failed to timely and correctly report a campaign debt on two separate occasions.

The Commissioner finds sufficient facts to determine candidate Tonkay failed to properly report two debts to the Tonkay campaign as required by Montana law.

Before filing a C-5 campaign finance report in CERS, candidates must certify that the report is "true, complete, and correct by the oath or affirmation of the individual filing the report", in accordance with Mont. Code Ann. § 13-37-231(1). In this case, candidate Tonkay certified that his May 20 report was "true, complete, and correct" when originally filing it on May 20, and again when amending it on August 23 (FOF No. 7). In both the original and amended versions of the report, candidate Tonkay disclosed the obligations owed to the Complainant and Chili O'Brien's as campaign expenditures. As shown by the Complainant in this matter, candidate Tonkay was notified that payment was still required no later than May 21, meaning that when he filed the amended report on August 23, he knew the information included was not "true, complete, and correct" (FOF No. 7A).

As with the May 20 report, candidate Tonkay certified that each of his June 20 and August 23 reports were "true, complete, and correct" (FOF Nos. 8, 9). Candidate Tonkay was fully aware that his campaign had not provided payment to either the Complainant or Chili O'Brien's when filing the June 20 and August 23 reports, meaning the campaign would not be disclosing its contribution, expenditure, debt, or Cash in Bank balance information accurately. Further, Mont. Code Ann. § 13-37-208 requires "detailed

accounts... are required to be set forth in a report filed under this chapter”.

Candidate Tonkay filed the reports knowing the information included was not "true, complete, and correct" as required by law.

Sufficiency Finding No. 2: Candidate Tonkay filed 2022 campaign finance reports on three occasions that knowing the information being reported was false, incomplete, and incorrect.

The Commissioner finds sufficient facts to determine candidate Tonkay failed to disclose accurate campaign finance information as required by Montana law. Candidate Tonkay appeared to purposely report false information indicating expenditures of contributor's campaign donations on reportable campaign expenditures, when in fact the information was untrue. Further, candidate Tonkay has failed to provide the COPP a response or any requested documentation despite numerous requests. By doing so, candidate Tonkay has deceived both his own campaign contributors and Montana citizens as to the accuracy and disposition of the Tonkay campaign treasury. At the date of this decision, the Commissioner finds a monetary discrepancy of a minimum of \$2,264.00 or much larger amount remains unaccounted for. Tonkay has an obligation to fully ensure all contributions to and expenditures from the Tonkay campaign are properly accounted for.

The Commissioner is issuing this decision without a full record or response by Mr. Tonkay as the public has the right to know the information contained herein. The campaign finance enforcement action will include the violations found above, as well as additional violations uncovered upon receipt

of the campaign's bank records which will account for the contributions to and expenditures by the campaign.

The Commissioners office shares jurisdiction for enforcement of campaign finance violations with the County Attorney, and the Commissioner is aware that the Complainant in this matter has brought the issue to the attention of local law enforcement. The Commissioner's office will work and assist with enforcing the campaign finance violations either as an independent enforcement action or in coordination with local law enforcement.

Other Issues

Timely filing reports

Mont. Code Ann. § 13-37-226(1)(b) requires that candidates file campaign finance reports on “the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates”. Montana’s campaign finance report filing requirements are mandatory: “shall file” (See §13-37-226 MCA). The filing date requirements are date certain. In *Bradshaw v. Bahr*, COPP 2018-CFP-008, Commissioner Mangan found candidate Bahr had filed two days late and wrote “any failure to meet a mandatory, date-certain filing date is a violation of §13-37-226, MCA.”

By filing a C-1 Statement of Candidate with the COPP and formally filing with Montana’s Secretary of State as a candidate seeking election to House District 82, candidate Tonkay declared himself a candidate seeking election in election year 2022, meaning he is required to file campaign finance reports according to the schedule provided under Mont. Code Ann. §13-37-226(1)(b)

(FOF Nos. 1, 1A). In this matter, candidate Tonkay failed to file a C-5 campaign finance report on or before September 20, a violation of applicable campaign finance law (FOF No. 13).

Sufficiency Finding No. 3: Candidate Tonkay failed to file a C-5 campaign finance report on or before September 20, 2022.

The Commissioner finds sufficient facts to determine candidate Tonkay failed to file the September 20, 2022, campaign finance report as required by Montana law.

Statement of Candidate

44.11.303(2), ARM requires that “Any material change in information previously submitted in a statement of candidate” filed with the COPP “shall be reported by filing an amended statement with the commissioner within five business days after the change”. In this matter, candidate Tonkay filed a C-1 Statement of Candidate with COPP listing a campaign mailing address of PO Box 6812, Helena, MT 59604 (FOF No. 1). On September 12, 2022, COPP attempted to mail candidate Tonkay hard copy (paper) correspondence regarding this complaint to that address, however the correspondence was returned by the U.S. Postal Service as “*Vacant*” (emphasis added) (FOF No. 11). In other words, COPP’s September 12 correspondence could not be delivered to candidate Tonkay because the Post Office Box 6812 in Helena, listed as his mailing address on the Statement of Candidate was not currently occupied or otherwise in use. COPP would additionally note that the address for candidate Tonkay included on the check he provided to Complainant is 21 Rolling Glen

Loop, Three Forks, MT 59752, different than either the mailing or physical address listed on his Statement of Candidate (FOF Nos. 1, 7A).

COPP has sufficient evidence to determine that candidate Tonkay failed to notify COPP of a “material change in information previously submitted in a statement of candidate”, specifically that the campaign mailing address is no longer P.O. Box 6812, Helena, MT 59601. Candidate Tonkay is required to Amend his C-1 Statement of Candidate to provide the campaign’s current mailing address within five (5) business days.

Sufficiency Finding No. 4: Candidate Tonkay failed to file an amended Statement of Candidate within 5 days upon the change of campaign address.

The Commissioner finds sufficient facts to determine candidate Tonkay failed to revise the Statement of Candidate report upon the change of campaign address as required by Montana law.

DECISION

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner “shall investigate” any alleged violation of campaign practices law. Mont. Code Ann. § 13-37-111(2)(a). The mandate to investigate is followed by a mandate to take action; where there is “sufficient evidence” of a violation the Commissioner must (“shall notify,” *see id.*, at § 13-37-124) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice

decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence to show that candidate Tonkay violated Montana's campaign practice laws, including, but not limited to the laws set out in the Decision. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to fully and timely report and disclose cannot generally be excused by oversight or ignorance. Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file and report. See *Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that failures to file or report be excused as *de minimis*. *Id.* (discussing *de minimis* principles).

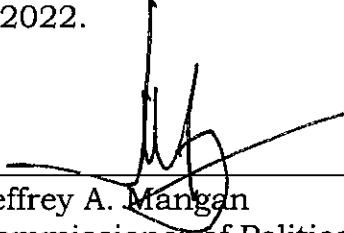
Because there is a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable to the above Sufficiency Findings, a civil fine is justified. Mont. Code Ann. § 13-37-124. The Commissioner hereby issues a "sufficient evidence" Finding and Decision justifying a civil fine or civil prosecution of candidate Tonkay. Because of the nature of the violation, this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. *Id.*, at (1). Should the County Attorney waive the right to prosecute (*id.*, at (2)) or fail to prosecute

within 30 days (*id.*, at (1)) this Matter returns to this Commissioner for possible prosecution.

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that the Matter is waived back, this Finding and Decision does not necessarily lead to civil prosecution as the Commissioner has discretion (“may then initiate” *see id.*) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In setting that fine the Commissioner will consider matters affecting mitigation, including the cooperation in correcting the issue when the matter was raised in the Complaint.

While it is expected that a fine amount can be negotiated and paid, in the event that a fine is not negotiated and the Matter resolved, the Commissioner retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of campaign practice law, including those of Mont. Code Ann. §§ 13-37-208, 226, 229, 231. *See id.*, at § 13-37-128. Full due process is provided to the alleged violator because the district court will consider the matter *de novo*.

DATED this 7th day of October 2022.



Jeffrey A. Mangan
Commissioner of Political Practices
Of the State of Montana
P.O. Box 202401
1209 8th Avenue
Helena, MT 59620
Phone: (406)-444-3919

August 29, 2022

HAND DELIVERED

RECEIVED
2022 AUG 30 A 11: 20
COMMISSIONER OF
POLITICAL PRACTICES

To: Jeffrey A. Mangen

From: Visualey, Inc. DBA Signs Now Helena

RE: Request for documentation

Included you will find the copies of documents requested related to your August 29 letter. The one item that is not included is the bullet noting, "The July and August correspondence/s between yourself and candidate Tonkay's financial institution." Both conversations were verbal and they did not provide us with any written documentation. The conversations are summarized below:

- Tuesday, July 19: Our finance manager, Donya Parrish, took the substitute check that came with the NSF letter and presented it at the Wells Fargo branch at 2950 Prospect Ave with a request to exchange it for a cashier's check payable to Signs Now Helena. The teller was not familiar with what a substitute check was and send a message asking for help. She then replied that the check would not clear. Donya asked if she could confirm whether the account was still open and the teller replied that she could not share that detail.
- Friday, August 12: Donya Parrish again took the substitute check to the Wells Fargo branch at 2950 Prospect Ave. and presented it to the teller with a request to exchange it for a cashiers check. The teller was not the same person from the previous visit. She looked up the account and replied that the item would not clear and upon request, did confirm that the account was still open.

We still have the original item but have only included a copy of it here. The original will be presented to the Lewis and Clark County Attorney's office for consideration of a case.

Thank you.





First Interstate Bank
 PO Box 30918
 Billings, MT 59116-0918
 1-855-347-3409
 www.firstinterstatebank.com

VISUAL EYES INC
 DBA SIGNS NOW HELENA INC
 323 N LAST CHANCE GULCH
 HELENA, MT 59601-5013

Acct: XXXXX9809
 As of: 5/12/2022

NOTICE OF RETURNED DEPOSITED ITEMS CHARGED TO YOUR ACCOUNT. IF YOU ARE A CONSUMER, AND THE ATTACHED ITEM IS A SUBSTITUTE CHECK, PLEASE READ THE IMPORTANT INFORMATION ON THE BACK OF THIS NOTICE.

Account Owner: VISUALEYES INC

The following deposited item(s) has been returned and charged back to your account:

Routing Number	Check #	Account	Trace	Return Reason	Amount
09290527	106	7394635358	51222010112	NSF - Not Sufficient Funds	\$1,565.00
				Returned Deposited Item Fee	\$4.00
Total amount charged back to your account:					\$1,569.00

092905278
 05/12/2022
 38567814

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

RETURN REASON-A
 NOT SUFFICIENT
 FUNDS

NSF

ALDEN JONKAY
 21 Rolling Glen Loop
 Three Forks, MT 59752-4876

5/12/2022

106

Pay to the order of: Signs Now Helena

one thousand five hundred sixty five and 00/100

for Campaign Signs

Signature: Alden Jonkay

0000064551707
 05/09/2022



SignsNowHelena <signsnowhelena@gmail.com>

Payment for returned check

8 messages

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Sat, May 21, 2022 at 12:29 PM

Alden,

We need to know your plan for paying us for the check that was returned NSF please. It was \$1,565 and we would appreciate a bank check or credit card payment as soon as possible.

Thank You,
Signs Now Helena

323 N. Last Chance Gulch
Helena, MT 59601
406.422.1065 Phone
<http://www.signsnow.com/Helena>

Alden Tonkay <aldenformontana@gmail.com>
To: signsnowhelena@gmail.com

Sat, May 21, 2022 at 1:47 PM

Hi Trevor,

When you notified me about it I had my deputy treasurer send a certified check the next day since I am out of town. It should be there no later than Monday or Tuesday. So sorry about this.

[Quoted text hidden]

--

Alden Tonkay
Republican Candidate for HD 82

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Sat, May 21, 2022 at 1:48 PM

Thank you! We will let you know when it shows up so you are in the loop.

Safe travels,
Trevor

[Quoted text hidden]

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Tue, May 31, 2022 at 8:06 PM

Alden,

We have still not received your replacement check. Would like this settled before the end of the week preferably. We do have the returned check and can take it to Wells Fargo to exchange for a cashiers check. Please advise.

Thank you!

[Quoted text hidden]

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Wed, Jun 1, 2022 at 3:31 PM

Please advise Alden.

[Quoted text hidden]

Alden Tonkay <aldenformontana@gmail.com>
To: signsnowhelena@gmail.com

Wed, Jun 1, 2022 at 3:45 PM

Since it hasn't made it I'm gonna cancel it. I am getting back to town on Friday and will personally go get another certified check and bring it to you. Apologies for this

[Quoted text hidden]

Alden Tonkay <aldenformontana@gmail.com>
To: signsnowhelena@gmail.com

Fri, Jun 3, 2022 at 5:30 PM

Hey Trevor,

I just got done at the bank and got your check. Is there a time we could meet tomorrow for me to drop it off or would you like me to bring it in to the store on Monday? Let me know what works best for you. Thanks

On Wed, Jun 1, 2022 at 3:32 PM SignsNow <signsnowhelena@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Sun, Jun 5, 2022 at 12:51 PM

Hi Alden,

You can bring it by today if you would like. My wife Donya is there and can give you the returned one. I will be down later, but am not sure what time. You will need to knock on the window as she will have the door locked. Otherwise, Monday works.

Thank you,
Trevor

[Quoted text hidden]



SignsNowHelena <signsnowhelena@gmail.com>

Our hours

2 messages

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Mon, Jun 6, 2022 at 4:25 PM

I will be here up to 6 p.m. You did say you would be in today. Monday 6/6/2022

Thank You,

Signs Now Helena

323 N. Last Chance Gulch
Helena, MT 59601
406.422.1065 Phone
<http://www.signsnow.com/Helena>

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: Alden Tonkay <aldenformontana@gmail.com>

Mon, Jun 6, 2022 at 8:54 PM

We have done your work on good faith. We accepted your check on good faith. Please let us know how to proceed.

Signs Now Helena - registered as Visual Eyes with the department of revenue.

[Quoted text hidden]



SignsNowHelena <signsnowhelena@gmail.com>

For Trevor

3 messages

Alden Tonkay <aldenformontana@gmail.com>
To: signsnowhelena@gmail.com

Thu, Jun 9, 2022 at 10:54 AM

Hi Trevor,

I sincerely apologize for the delay. With Election Day this week I ended up getting pulled out of town again for work but since I wasn't able to get it over to you we had it sent with tracking via FedEx. My deputy treasurer Jake says it'll be there today. Waiting for him to send the tracking number and I'll shoot that over to you as well.

--

Alden Tonkay
Republican Candidate for HD 82

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: trevor parish <parrishgang@bresnan.net>

Thu, Jun 9, 2022 at 11:04 AM

did not include the tracking #.

[Quoted text hidden]

SignsNow <signsnowhelena@gmail.com>
Reply-To: signsnowhelena@gmail.com
To: trevor parish <parrishgang@bresnan.net>

Fri, Jun 17, 2022 at 4:17 PM

Ok. If you do not make some sort of effort by Monday we will . All of the effort. I have had it!. If you wrote that check knowing you could not cover it we will go down a different avenue.

Trevor E. Parrish

[Quoted text hidden]

TO: Alden [unclear]
21 Rolling Glen Loop
Three Forks, MT
59752-8670

DATE: 8/12/2022

REGARDING:

CHECK NUMBER(S)	DATE(S) ISSUED	AMOUNT(S)	BANK	REASON FOR RETURN (NSF or ACCOUNT CLOSED)
106	5/6/2022	1,565.00	Wells Fargo	NSF

The bank returned the listed check(s) to the undersigned business or person for the reason set forth above. Under Montana law, failure to make good on a returned check within **FIVE (5)** days after written notice of nonpayment is received constitutes evidence that the person who wrote the check committed the criminal offense of "Issuing a Bad Check" that is a violation of Section 45-6-316, MCA. A person convicted of issuing a bad check for \$1,500 or less can be fined up to \$1000 and is subject to imprisonment in the county jail for up to six (6) months. A person convicted of issuing a bad check for more than \$1,500 or who issues bad checks pursuant to a common scheme can be fined up to \$50,000 and is subject to imprisonment in the state prison for up to ten (10) years.

*Therefore, you must pay this check within **FIVE (5)** days after you have received this Notice. Payment must be by cash, money order or a cashier's check in the full amount of the check. Partial payment will not be accepted. **Send payment to address listed at the bottom of this notice.***

If you fail to respond to this Notice the undersigned will turn the check(s) over to the county attorney office and ask it to file criminal charges against you. Your prompt cooperation is required.

Moreover, according to §27-1-717, MCA, the holder of the check may proceed against you in a civil action in the event you fail to pay the face amount of the dishonored checks, together with a reasonable surcharge of not less than \$20.00. If a civil suit is

filed, the holder of the check is entitled to statutory damages of \$100.00 or three times the amount of the check, whichever is greater, though not to exceed the value of the check by more than \$500.00. The holder is also entitled to collect interest at the statutory rate of 10% per annum, court costs and fees.

Final demand is hereby made that you pay the dishonored check by the end of business on 8/19/2022.

Accordingly, consider this letter as final demand for payment of the amount of the dishonored check(s).

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION RECEIVED WILL BE USED FOR THAT PURPOSE

NAME AND ADDRESS FOR IMMEDIATE RESPONSE

Signs Now Helena
323 N Last Chance Gulch
Helena, MT
59601

THIS NOTICE WAS SENT BY

certified mail, Number 7022 0410 0000 6620 3371 return receipt requested on the 12 day of August, 2022

D

first class mail that was deposited in the United States Mail, First Class Postage paid on the _____ day of _____, 200__.

Verizon 10:35 AM
+1 (302) 382-5538 >

Trevor please give me until the end of the week. I've been working my ass off doing extra yardwork, doordashing, and selling stuff to try and make extra money to pay you back. I was out doordashing until after midnight last night. If I haven't paid you by the end of the week then "go atomic" but please give me until then to start making good on it.

You have broken many promises already. We have the texts and emails. You have until tomorrow. Paid in full. We will no longer be strung along. Do you support small business or not?

Subject
iMessage

Verizon

8:05 PM



+1 (302) 382-5538 >

iMessage

Sat, Jul 30, 10:03 AM

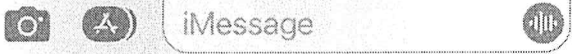
Hi Trevor,
My campaign funds are frozen and so I got the stuff from you guys and Chili O'briens in the same week and am having to now pay out of pocket for all of it which is making it hard on me since I don't make that much at my job. I've been picking up extra side work to try and pay off what I owe both you guys and Chili O'briens as quickly as possible. I just made my first payment to them this week and will make a payment with a card over the phone on Monday to you guys .



+1 (302) 382-5538 >

an order from you for what was a CAMPAIGN expense. Not a personal expense. And because of stuff out of mine and your control I am having to pay you out of my own pocket for campaign materials. When I explained this situation to you told me that if I didn't have payment in full by the next day you were going to go "atomic" and it took me calling you in tears to get you to give me some time. Since then I've had to sell my golf clubs, fly fishing gear, tools, headboard, bed frame, and furniture to scrape together the money I owed so that you didn't ruin my reputation to anyone else besides Jim

Subject
iMessage



Verizon 8:07 PM
+1 (302) 382-5538



Well I was able to make it all.
Tracking number for money
order:
1Z8MKT310307798422

Great! We will let you know.

Verizon 8:07 PM
+1 (302) 382-5538 >

I might suggest you get that package in the system. Today!

Another stall tactic? Explanation for the delay is needed. Anyone can generate a label. I will not text again.

Delivered

That payment was dropped off yesterday afternoon at the UPS drop in Billings on the way back from a doctors appointment. And when I payed for the label it had an estimated ship date of Wednesday and delivery date of Friday. I'll be honest Trevor this is very frustrating. I made an order from you for what

Subject

iMessage

Verizon 3:16 PM



+1 (302) 382-5538 >

That payment was dropped off yesterday afternoon at the UPS drop in Billings on the way back from a doctors appointment. And when I payed for the label it had an estimated ship date of Wednesday and delivery date of Friday. I'll be honest Trevor this is very frustrating. I made an order from you for what was a CAMPAIGN expense. Not a personal expense. And because of stuff out of mine and your control I am having to pay you out of my own pocket for campaign materials. When I explained this situation to you told me that if I didn't have payment in full by the next day you were going to go "atomic"

Subject



iMessage



Cook, Scott

From: Chili O'Brien's <chilibriens@gmail.com>
Sent: Monday, October 3, 2022 5:47 PM
To: Cook, Scott
Subject: [EXTERNAL] Re: Request for Information from Montana's Commissioner of Political Practices
Attachments: Alden Tonkay inv 16131.pdf

Hi Scott,

Thank you for this information. Yes, Mr. Tonkay still owes us funds from a catering we did for him back in May.

I have attached the sequence of events as they transpired with him. I have email and text message documentation for all of this.

Do I need to put this into the form like Signs Now did and get it notarized?

Heidi OBrien

Thank you!

Chili O'Brien's Catering
Office: 406-449-2319
Tim's Cell: 406-459-7272

Chili O'Brien's Cancellation Policies

We understand your plans may change, but we have to order groceries and schedule staff in advance of your catering. Please take a moment to take note of our cancellation policy. We ask for final counts 7 days before your event because that's when we place the order for the groceries for your meal. This final count will be reflected on your invoice. After we have received your final count, you cannot make changes to it.

We email you your invoice in advance of your catering as a way to double-check the final count and for you to review the menu. Full payment is expected at the time of delivery.

General Cancellation Policy

35% of the total invoice will be charged if cancellations are made with less than 6 days (or 144 hours) notice.

50% of the total invoice will be charged if cancellations are made with less than 72 hours notice.

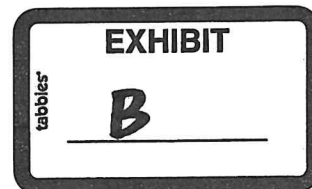
100% of the total invoice will be charged if cancellations are made with less than 24 hours notice.

Wedding/Event Considerations

Larger events, such as banquets and weddings that require a deposit, will automatically forfeit their deposit if the event is canceled within 7 days of the event. In addition, the customer is subject to the additional costs as outlined in the general cancellation above. ****Full Payments for Weddings and Large Events are due the day before the event.**

NOTICE: We are doing our best to keep prices low and fixed, but in this era, *we reserve the right to change quoted prices at any time.* We are sorry for the inconvenience but have little control over the pricing we are getting from our suppliers. We will let you know of price changes as soon as we are aware of them.

On Fri, Sep 30, 2022 at 9:31 AM Cook, Scott <SCook3@mt.gov> wrote:



Good morning,

As you may be aware, Montana's Commissioner of Political Practices (COPP) recently received and accepted a formal Campaign Finance and Practices complaint against candidate Alden Tonkay (as a courtesy, that complaint is available in full on our website, [here](#)). As part of our Investigation into this complaint, COPP would request additional information pertaining to any payment/s made to Chili O'Brien's Catering by candidate Tonkay- specifically, the total amount owed by the campaign for the item/s or services Chili O'Brien's provided, the date or dates payment was received by the campaign and the amount of those payment/s, and if an the campaign still owes any sort of outstanding balance (i.e. has not yet paid in full) for the item/s or services Chili O'Brien's has provided.

COPP would greatly appreciate any information you could provide in this matter. Please feel free to contact me directly with questions- I can be reached via telephone at (406) 444-4627 or via email at scook3@mt.gov. Thanks!

Scott Cook

Compliance Specialist

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov

On Friday, May 13, 2022, Chili O'Brien's Catering provided appetizers for an event booked by Alden Tonkay. On Wednesday, May 4 we emailed the invoice #16131 for \$699.15 to Alden Tonkay at aldenformontana@gmail.com. Alden Tonkay paid with check #109 at the time of service as is our policy.

On Friday, May 27, Chili O'Brien's Catering emailed Alden Tonkay at aldenformontana@gmail.com. This was our message:

The check for your catering on May 13 was returned to us for insufficient funds. We also received a \$4.00 fee from our bank for the returned check so the current amount due is \$703.15.

Would you like me to send you an invoice via our square account that you can pay online with a credit card?

Please let me know how you'd like to proceed.

On Friday, May 27th Tonkay replied that he was sorry and would get the payment taken care of right away. However, he did not specify how this payment was going to happen .

On May 31, Tonkay asked for a payment link to get the payment taken care of ASAP.

On May 31, Chili O'Brien's sent Alden an invoice that he could pay online with Square.

This electronic Square invoice was never paid.

From here many things happened and we have documentation of Tonkay saying he would pay online as soon as he got back to Helena and could get his campaign debit card. Tonkay telling us he was mailing us a certified bank check from Bozeman. Tonkay providing tracking numbers for packages that were never dropped off. Tonkay telling us that he'd stop by our kitchen with payment.

We did receive an a replacement check from Alden Tonkay, Check #114, dated 07/08/22 for \$701. This check was also returned for Not Sufficient Funds.

Saturday, July 23, I informed him check #114 was returned.

On Saturday, July 23, Tonkay agreed to a payment plan with 4 weekly payments of \$180 for a total of \$720. These invoices were generated electronically via Square. Tonkay paid the first payment of \$180 on July 28th.

Since that initial payment of \$180, Tonkay has not made any additional payment and owes Chili O'Brien's Catering \$540. He has received many email reminders for payments that were sent to

the address alden.tonkay@gmail.com that he asked me to use for communication on June 29, 2022.

With Square we can see that these invoices have been sent, opened and viewed by the customer, but they have never been paid and Alden Tonkay owes us \$540.

Chili O'Brien's has documentation including emails and text messages to support all these claims.