

# Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

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July 8, 2022

Jeffrey A. Mangan  
Commissioner of Political Practices  
1209 Eighth Avenue  
P.O. Box 202401  
Helena, MT 59620-2401

**Re: Complaint received June 28, 2022; *Black v. American Dream Federal Action*, COPP-2022-CFP-015B**

Dear Commissioner Mangan,

This response is submitted by the undersigned counsel on behalf of Full Reach Media Group, LLC in connection with the above-referenced matter. We appreciate the opportunity to provide this explanation and response.

The Complainant alleges that Montana Business PAC committed various violations of Montana campaign finance law because American Dream Federal Action supplied the funding for a particular advertisement that was paid for and reported by Montana Business PAC. The Complainant cites a National Association of Broadcasters (NAB) Form PB-19 in support of its allegations. The allegations are incorrect and the Complainant effectively makes a mountain out of a molehill on the basis of a clerical error.

The advertisement at issue was paid for and properly reported by Montana Business PAC. American Dream Federal Action had nothing whatsoever to do with the funding, sponsorship, or placement of the Montana Business PAC's advertisement. The only connection between the two is both engage Full Reach Media Group, LLC for media placement services.

The NAB Form PB-19 referenced in the Complaint that was initially provided by Full Reach Media Group, LLC to television broadcast stations inadvertently listed American Dream Federal Action as the entity requesting station time. This line on Form PB-19 should have listed Montana Business PAC. The media vendor explained that the individual who completed the Form PB-19 worked off a previously filed form prepared for a different client's order and simply failed to change the first line on the form (identifying the entity requesting station time). The rest of the Form PB-19 correctly identifies Montana Business PAC as the "advertiser/sponsor," and there is no other information in the form that in any way suggests that American Dream Federal Action provided any funding for the Montana Business PAC advertising at issue. The nearly 40 pages of station contracts and purchase orders attached to the Complaint at Exhibits D – F attest to this as they contain no reference to American Dream Federal Action and clearly and consistently identify the "advertiser" as Montana Business PAC.

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When this clerical error was discovered, Full Reach Media Group, LLC submitted a corrected Form PB-19 to stations that identifies the entity requesting station time as Montana Business PAC. The corrected Form PB-19 now appears in the Federal Communications Commission's Public Inspection File and may be viewed at: <https://publicfiles.fcc.gov/tv-profile/kpax-tv/political-files/2022/non-candidate-issue-ads/montana-business-pac/nab/bc6eb3c1-c912-76d0-7a31-c0e474655455>. (The corrected Form PB-19 is attached as **Exhibit A.**)

This was a simple clerical error committee by a media vendor that provides services to many different clients. At no time was there any intention by anyone involved to place incorrect information on the public record. As the corrected Form PB-19 states, station time was in fact requested Montana Business PAC and Montana Business PAC was in fact the sole advertiser/sponsor of the advertisement in question. Montana Business PAC reported its expenditure to the State of Montana on Form C-6, as detailed in the Complaint, and that report is fully accurate.

The Complaint identified as *Black v. American Dream Federal Action*, COPP-2022-CFP 015B, should be dismissed. The Complaint is premised entirely on a clerical error appearing on an FCC filing that was quickly corrected. This acknowledged error does not provide a basis to proceed or further investigate the Complainant's outlandish claims of having uncovered an effort "to disguise contributions." Notwithstanding the vendor's experience and professionalism, it is still possible to make mistakes. Here, the logical conclusion is the correct one – someone listed the wrong entity on the form.

Please feel free to contact us if you have any questions or require additional information.

Sincerely,



Jason Torchinsky  
*Counsel to Full Reach Media Group, LLC*

Exhibit

**EXHIBIT A**

**Corrected NAB Form PB-19**

## ISSUE (Non-candidate) ADVERTISEMENT AGREEMENT FORM

I, Full Reach Media Group LLC, hereby request station time as follows: See **Order** for proposed schedule and charges. See **Invoice** for actual schedule and charges.

**Check one:**

Ad "communicates a message relating to any political matter of national importance" by referring to (1) a legally qualified candidate for federal office; (2) an election to federal office; (3) a national legislative issue of public importance (e.g., health care legislation, IRS tax code, etc.); or (4) a political issue that is the subject of controversy or discussion at the national level.

Ad does NOT communicate a message relating to any political matter of national importance (e.g., relates only to a state or local issue).

### ALL QUESTIONS/BLOCKS MUST BE COMPLETED

Station time requested by: Montana Business PAC

Agency name: Full Reach Media Group LLC

Address: PO Box 101552, Arlington, VA 22210

Contact:

Phone number:

Email:

Name of advertiser/sponsor (list entity's full legal name as disclosed to the Federal Election Commission [for federal committees] with no acronyms; name must match the sponsorship ID in ad):

Name: Montana Business PAC

Address: PO Box 1730 Helena, MT 59624

Contact: Lorna Kuney

Phone number:

Email:

Station is authorized to announce the time as paid for by such person or entity.

List ALL of the chief executive officers or members of the executive committee or board of directors or other governing group(s) of the advertiser/sponsor (Use separate page if necessary.):

Lorna Kuney, Treasurer

By signing below, advertiser/sponsor represents that those listed above are the only executive officers, members of the executive committee and board of directors or other governing group(s).

If ad refers to a federal candidate(s) or federal election, list ALL of the following:

N/A

Name(s) of every candidate referred to:

Office(s) sought by such candidate(s) (no acronyms or abbreviations):


Date of election:

Clearly identify EVERY political matter of national importance referred to in the ad (no acronyms); use separate page if necessary:

N/A

**THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.**

The advertiser/sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, which may arise from the broadcast of the above-requested advertisement(s). For the above-requested ad(s), the advertiser/sponsor also agrees to prepare a script, transcript or tape, which will be delivered to the station by the log deadlines outlined in the station's disclosure statement.

<b>Advertiser/Sponsor</b>	<b>Station Representative</b>
Signature: 	Signature:
Name: Natalie Szemetylo	Name:
Date of Request to Purchase Ad Time: 5/10/22	Date of Station Agreement to Sell Time:

**TO BE COMPLETED BY STATION ONLY**

Ad submitted to station?  Yes  No Date ad received: \_\_\_\_\_

**Note: Must have separate PB-19 forms for each version of the ad (i.e., for every ad with differing copy).**

If only one officer, executive committee member or director is listed above, station should ask the advertiser/sponsor in writing if there are any other officers, executive committee members or directors, maintain records of inquiry and update this form if additional officers, members or directors are provided.

Disposition:

- Accepted
- Accepted IN PART (e.g., ad not received to determine content)\*
- Rejected – provide reason: \_\_\_\_\_

\*Upload partially accepted form, then promptly upload updated final form when complete.

Date and nature of follow-ups, if any:

Contract #:	Station Call Letters:	Date Received/Requested:
Est. #:	Station Location:	Run Start and End Dates:

**For national issue ads only (not required for state/local issue ads):**

Upload order, this disclosure form and invoice (or traffic system print-out) or other material reflecting this transaction to the OPIF or use this space to document schedule of time purchased, when spots actually aired, the rates charged and the classes of time purchased (including date, time, class of time and reasons for any make-goods or rebates) or attach separately. If station will not upload the actual times spots aired until an invoice is generated, the name of a contact person who can provide that information immediately should be placed in the "Terms and Disclosures" folder in the OPIF.