

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax : 406-444-1643
www.politicalpractices.mt.gov

POSTMARKED
OCT 27 2016

FOR OFFICE USE ONLY

RECEIVED

2016 OCT 28 A 9 48

COMMISSIONER OF
POLITICAL PRACTICES

HAND DELIVERED
CERTIFIED MAIL
SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (10/09)

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

Person bringing complaint (Complainant):

Complete Name Jason Ellsworth
Complete Mailing Address 1073 GOLF course rd.
Hamilton Mt. 59840
Phone Numbers: Work 406-360-0009 Home 406-360-0009

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

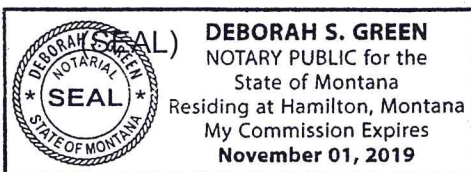
Complete Name Steve Bullock
Complete Mailing Address OFFICE OF THE GOVERNOR P.O. BOX
200901 Helena Mt. 59620
Phone Numbers: Work 406-422-0115 Home _____

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 Beavert

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



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 27 day of October, 2016

[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 attachments

Complaints must be:

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

FORM

Jason Ellsworth

1073 golf course rd. Hamilton MT. 59840

406-360-0009

Complaint Against: Governor Steve Bullock

Complete Name: Steve Bullock

Phone: 406- 422-0115

Steve Bullock's campaign has repeatedly used the state airplane, King Air tail number N28KP, to fly Steve Bullock to campaign fundraisers and rallies ("State bills Bullock \$1,155 for campaign-related state plane use," Billings Gazette, 8/2/16).

Steve Bullock's campaign has failed to reimburse the state for each flight, and further, failed to reimburse the full cost of the trips used for political events, on no less than 16 occasions, all cited below.

Legislators have estimated the cost of the airplane to be at least \$1,650 an hour ("Bullock criticized for piggybacking campaign stops onto official business flights," Billings Gazette, 3/11/16). According to calculations of flights taken to those campaign events, that would cost Steve Bullock no less than \$31,400 on a reimbursement. I have contacted many other Plane Charters and did not find any under \$1,650.00 per hour for this type of aircraft.

Steve Bullock's most recent campaign reports show minimal reimbursement to the state without explanation of the events accounted for. The amounts of reimbursement since July include two payments in previous finance reports for \$2,964.25 and \$1,155.56 or a total of \$4,119.81, a mere 13% of the cost owed the taxpayer. Flights between the period of July 28 to September 26th were not reimbursed.

This behavior is in clear violation of Mont. Code Ann. § 2-2-121-3 which states, "A public officer or public employee may not use 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, or the passage of a ballot issue."

SUPPORTING DOCUMENTS

Steve Bullock's Campaign Finance reports:

Report period September 27-Oct 9 – Reimbursement to the State for "Airfare Reimbursement" for \$2,964.25

Campaign Electronic Reporting System

| Dashboard | View | Account | General | Account Information | View | Home | Logout |
|------------------|------|--|---------|-----------------------|------------|------------|--------|
| Candidate | ✓ | 3115 1st Ave N, Billings, MT 59101 | General | REPAIR | 10/09/2016 | | |
| Committee | ✓ | Sheikhaner, Susan 721 Bazaar Exchange, Billings, MT 59105 | General | REPAIR | 10/16/2016 | \$480.00 | |
| State of Montana | ✓ | States 2020 Crowwell Dixon Lane, Helena, MT 59601 | General | OFFICE SUPPLIES | 10/14/2016 | \$27.99 | |
| | | States 2020 Crowwell Dixon Lane, Helena, MT 59601 | General | OFFICE SUPPLIES | 10/16/2016 | \$39.98 | |
| | | States 2020 Crowwell Dixon Lane, Helena, MT 59601 | General | OFFICE SUPPLIES | 09/20/2016 | \$39.98 | |
| | | State of Montana PO Box 8012, Helena, MT 59604 | General | Airfare Reimbursement | 10/09/2016 | \$2,964.25 | |
| | | State-Manning, Tracy 10 Cambridge Rd, Missoula, MT 59802 | General | Reimb-Food/meals | 10/04/2016 | \$53.50 | |

Report period August 27-Sept 26 – Reimbursement to the State for "Airfare Reimbursement" – No Reimbursement filed

Report period July 28--August 26 – Reimbursement to the State for "Airfare Reimbursement" - No Reimbursement filed

Report period June 27- July 27– Reimbursement to the State for "Airfare Reimbursement" - \$1,155.56

| Dashboard | Messages | General | Office Supplies | Version | Pages Home | Version |
|--|--|---------|--------------------------|------------|------------|------------|
| <input checked="" type="checkbox"/> Candidate | 3050 N. Montana Ave, Helena, MT 59601 Phil Jason | General | Reimburse event supplies | 07/19/2016 | 2014 | \$204.20 |
| <input checked="" type="checkbox"/> Committee | 105 N. Warren St., Helena, MT 59601 Safeway | General | Food/meals | 07/09/2016 | | \$18.98 |
| <input checked="" type="checkbox"/> State of Montana | 613 N. Montana Ave, Helena, MT 59601 Sundar Friendly | General | Ground transportation | 07/09/2016 | | \$51.14 |
| | 1831 11th Ave, Helena, MT 59601 Staples | General | OFFICE SUPPLIES | 07/01/2016 | | \$311.03 |
| | 2020 Cornwall Dixon Lane, Helena, MT 59601 State of Montana | General | Airfare | 07/21/2016 | | \$1,155.56 |
| | PO Box 8011, Helena, MT 59604 | | | | | |

Bullock Campaign Flights

- All Flights can be found at <http://flightaware.com/live/flight/N28KP/history/80>
- Links to campaign events can be found at <https://www.facebook.com/GovSteveBullock/events/>

| Flight Time | Date | Travel & Campaign Event | Estimated Cost |
|--------------------------------|--------------------|---|----------------|
| 30 mins | October 21, 2016 | October 21, 2016: Bullock flew on the State plane to a public lands campaign rally in Butte. | \$825.00 |
| 39 mins | October 13, 2016 | October 13, 2016: Bullock flew on the State plane straight to Polson for a campaign speech at the Montana Economic Developers Association. | \$1,072.50 |
| 57 mins | October 3, 2016 | October 3, 2016: Bullock flew the State to a campaign rally in Missoula and flew back to Helena. | \$1,567.50 |
| 2 hrs, 41 mins | August 17, 2016 | 20 mins beforehand, August 17, 2016: Bullock flew on the State plane to a campaign meet and greet in Browning and directly to a campaign meet and greet in Pablo. | \$4,427.50 |
| 1 hr, 21 mins | August 6, 2016 | August 6, 2016: Bullock flew on the State plane to the Backpacker's Ball fundraiser right outside Glacier National Park. | \$2,227.50 |
| Other Campaign Flights: | | | |
| 1 hr, 24 mins | October 20, 2016 | October 20, 2016: Bullock flew on the State plane to a public education campaign rally in Billings. | \$2,310.00 |
| 2 hrs, 50 mins | October 6, 2016 | October 6, 2016: Bullock flew on the State plane to a campaign rally in Bozeman. | \$4,675.00 |
| 1 hr, 26 mins | September 25, 2016 | September 25, 2016: Bullock flew on the State plane to a campaign barbecue in Billings. | \$2,365.00 |
| 1 hr, 18 mins | September 22, 2016 | September 22, 2016: Bullock flew on the State plane to a campaign fundraiser in Whitefish. | \$2,145.00 |
| 2 hrs, 50 mins | August 25, 2016 | August 25, 2016: Bullock flew on the State plane to a campaign event in Lame Deer and a campaign dinner on the Crow Reservation. | \$4,675.00 |

| | | | |
|-----------------|-----------------|--|------------|
| 2 hours, 7 mins | August 18, 2016 | Left 2 Hours later; August 18, 2016: Bullock flew on the State plane to a campaign luncheon in Poplar and campaign dinner in Ft. Belknap. | \$3,492.50 |
| 24 mins | August 3, 2016 | August 3, 2016: Bullock flew on the State plane to a campaign reception in Missoula. | \$660.00 |
| 35 mins | July 11, 2016 | <u>July 11, 2016: Bullock flew on the State to a campaign fundraiser in Big Sky.</u> | \$962.50 |
| | April | In addition, Bullock flew on the State plane following the Birthday Party fundraisers in Billings (April 6), Kalispell (April 12) and Bozeman (April 13). | |

\$31,405.00

Hyperlinks active below –

Key Flights:

[1 hour] October 21, 2016: Bullock [flew](#) on the State plane to a public lands [campaign](#) rally in Butte.

[18 mins] October 13, 2016: Bullock [flew](#) on the State plane straight to Polson for a [campaign](#) speech at the [Montana Economic Developers Association](#).

[1 hour, 5 mins] October 3, 2016: Bullock [flew](#) on the State to a [campaign](#) rally in Missoula

[1 hour, 45 mins; 20 mins beforehand] August 17, 2016: Bullock [flew](#) on the State plane to a [campaign](#) meet and greet in Browning and a [campaign](#) meet and greet in Pablo.

[SEVERAL MINUTES LATE] August 6, 2016: Bullock [flew](#) on the State plane to the [Backpacker's Ball](#) fundraiser right outside Glacier National Park.

Other Campaign Flights:

[2 hours] October 20, 2016: Bullock [flew](#) on the State plane to a public education [campaign](#) rally in Billings.

[4 hours, 30 mins] October 6, 2016: Bullock [flew](#) on the State plane to a [campaign](#) rally in Bozeman.

[3 hours] September 25, 2016: Bullock [flew](#) on the State plane to a [campaign](#) barbecue in Billings

[3 hours] September 22, 2016: Bullock [flew](#) on the State plane to a [campaign](#) fundraiser in Whitefish.

[1 hour, 45 mins:] August 25, 2016: Bullock flew on the State plane to a campaign event in Lame Deer and a campaign dinner on the Crow Reservation.

[1 hour, 30 mins; left 2 hours later]August 18, 2016: Bullock flew on the State plane to a campaign luncheon in Poplar and campaign dinner in Ft. Belknap.

[3 hours, 30 mins] August 3, 2016: Bullock flew on the State plane to a campaign reception in Missoula.

[3 hours] July 11, 2016: Bullock flew on the State to a campaign fundraiser in Big Sky.

In addition, Bullock flew on the State plane following the Birthday Party fundraisers in Billings (April 6), Kalispell (April 12) and Bozeman (April 13).

There may be many more and this needs to be investigated thoroughly.

Jason Ellsworth

COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

Campaign Complaint and Investigation Procedures

Anyone who believes a violation of campaign finance and practices laws or rules has occurred can file a complaint with the Commissioner of Political Practices.

- The complaint must describe in detail the alleged violation;
- It *must* cite the statutes or rules under the Commissioner's authority believed to have been violated;
- Attach any evidentiary material to the complaint.

Complaints must be typewritten or legibly handwritten in ink. They must:

- Include the complete name and mailing address of the person filing the complaint;
- Provide the complete name of the alleged violator and a complete mailing address, if possible;
- Complaints must be signed and notarized; and
- Must be delivered in person or sent by certified mail.

The laws and rules under the Commissioner's jurisdiction can be found by following the links on the Political Practices website. See Montana Code Annotated Title 13, chapters 35 and 37, and in Title 44, Chapter 10 of the Administrative Rules of Montana. Only complaints of violations of these specific laws and rules can be accepted.

Information and a complaint form are available at the Commissioner's office in Helena, on the Commissioner's website, or by phone or e-mail cpphelp@mt.gov. Use of the form isn't required, but all information must be included and all other requirements met.

Following receipt of a complaint

You'll get a response, usually within a week or ten days of receipt of the complaint. When a complaint is properly filed and alleges violations of laws or rules under the Commissioner's jurisdiction, the person or group that's the subject of the complaint is sent a copy with an offer of an opportunity to respond in writing.

No investigation is required if a complaint is:

- frivolous on its face,
- illegible,
- too indefinite,
- does not identify the alleged violator, or
- is not signed, or is not notarized.

Further, no investigation is required if the complaint does not contain sufficiently detailed allegations to enable a determination that it states a potential violation of a statute or rule within the Commissioner's jurisdiction.

Complaint Response

Once a response is received, a determination is made whether the Commissioner will dismiss the complaint, issue a decision based on the information received, or assign the complaint to an investigator for investigation. The notice, response, review and determination normally take at least six weeks. Depending on workload, it can take up to several months or more.

Investigation

Once an investigation is opened, the investigator will contact both the complainant and the respondent to verify contact information. The investigator will analyze documents, collect evidence and interview witnesses as needed.

There is no set time frame for the length of an investigation. One primary consideration is workload, and the docket of active complaints often exceeds the ability of the investigators and attorneys to keep up. Some complaints are dismissed within days or weeks; others involve investigations and legal research that can go on for months or longer, depending on the complexity of the facts and legal issues involved and the degree of cooperation of the respondent and witnesses. We do everything within our power to respond in a timely way. At the same time, there is no escaping the fact that we don't have the resources to handle every complaint quickly.

Representation by Counsel

A respondent may, at his or her own expense, be represented by an attorney at any stage of the investigation. It is not required, however.

Resolution of Complaints

Once the investigation is completed and the necessary legal research has been done, the Commissioner will issue a formal *Summary of Facts and Statement of Findings* or a less formal *Letter of Decision*. One or the other of these documents comprises the decision, and a copy is sent to both the complainant and the respondent via certified mail. Two days later, the decision is posted to the web and made available to the news media and the public.

Prosecution

Montana law confers authority to prosecute violations of the campaign finance and practices laws and rules on both the county attorney of the county in which the violation takes place and the commissioner. If the commissioner has determined there is sufficient evidence to justify prosecution, the county attorney is also notified, and sent a copy of the decision. If the county attorney declines to initiate legal action or waives the right to prosecute, the commissioner is authorized to initiate appropriate legal action. The commissioner has the discretion to file a lawsuit in district court, decline to prosecute, or seek a final settlement on each complaint on a case by case basis.

Disclosure

The fact that a complaint has been filed is public information, and anyone may request a copy of the complaint at any time thereafter. If a complaint contains information raising potential claims of privacy, privilege, or confidentiality, the Commissioner will proceed according to the formal policy referenced below; otherwise, the complaint will be publicly disclosed.

The decision is a public document. Complaints and decisions are posted to the agency's website. The investigation file is not available for public inspection except as provided in the policy referenced below – requests to review any of the information in the file are subject to review and weighing of privacy rights versus the public's right to know. The procedure for this review and weighing of competing rights is available on request, and posted on the website.