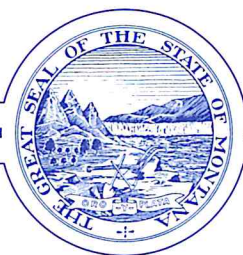


COMMISSIONER OF  
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL  
COMMISSIONER  
TELEPHONE (406) 444-2942  
FAX (406) 444-1643

1205 EIGHTH AVENUE  
PO BOX 202401  
HELENA, MONTANA 59620-2401  
[www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)

February 8, 2017

Mr. Dennis Gordon  
2113 36<sup>th</sup> Street  
Missoula, MT 59801

Re: *Gordon v. von Lossberg*, COPP-2017-LOB-REJ-001  
*Gordon v. Oransky*, COPP-2017-LOB-REJ-002

Dear Mr. Gordon:

We acknowledge receipt of the above two complaints. I write now to inform you that the same are rejected as falling outside of the jurisdiction of this Office. I am returning the original complaints to you with this letter. We will keep a copy of the complaints in this Office and identify the complaints as shown above.

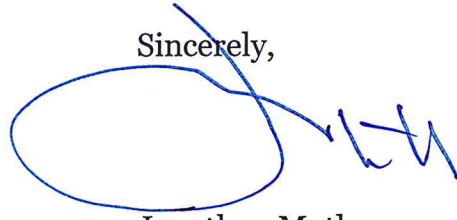
In way of explanation, the practice of lobbying reviewed by this Office is "[t]he practice of promoting or opposing the introduction or enactment of legislation before the legislature or legislators...and the practice of promoting or opposing official action of any public official or the legislature" Mont. Code Ann. § 5-7-102(11)(a) and (b). In turn, legislator is defined as "an individual holding public office as a representative or senator in the Montana legislature." Mont. Code Ann. § 5-7-102(10). A public official is defined as "an elected state official or appointed state official acting in an official capacity for state government or a legislator." Mont Code Ann. § 5-7-102(16)(a). With these definitions in mind, the lobbying reporting and disclosure laws enforced by this Office apply only to individuals lobbying Montana State Representatives or Senators, Mont. Code Ann. § 5-7-305(2)<sup>1</sup>.

<sup>1</sup> Former Commissioner Vaughney adopted an administrative regulation stating that reporting and disclosure regulations "only would be applied to legislative lobbying promoting or opposing the introduction or enactment of legislation before the legislature or legislators", Mont. Admin. R. 44.12.101A(1).

Your complaints, of course, allege violation of the Montana's lobbying reporting and disclosure laws in a local government matter. Specifically, the Complaints center on actions of Mr. Jonas Oransky in responding to a request for information from Missoula City Council member, Bryan von Lossberg. As explained above, this exchange at a local government level is an activity that is outside of the jurisdiction of lobbying laws administered by this Office.

Please feel free to contact this Office should you have further questions or concerns on this issue.

Sincerely,



Jonathan Motl  
Commissioner of Political Practices

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

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COMMISSIONER OF  
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Lobbying

Complaint Form (10/09)

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

Person bringing complaint (Complainant):

Complete Name Dennis GORDON  
Complete Mailing Address 2113 36th St.  
MISSOULA, MT 59801  
Phone Numbers: Work SAME No Home 406-549-6280

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

Complete Name BRYAN VON LOSSBERG  
MISSOULA CITY COUNCIL MEMBER  
Complete Mailing Address 522 HOWELL  
MISSOULA, MT 59802  
Phone Numbers: Work 406-285-1857 Home \_\_\_\_\_

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

Verification by oath or affirmation

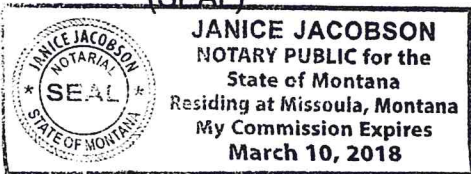
State of Montana, County of MISSOULA

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

Dennis Gordon

Signature of Complainant

(SEAL)



Subscribed and sworn to before me this 31<sup>ST</sup> day of

January 2017.

Janice Jacobson

Notary Public

My Commission Expires:

**Susan Firth**

---

**From:** Jonas Oransky <joransky@everytown.org>  
**Sent:** Thursday, September 10, 2015 8:30 PM  
**To:** Bryan von Lossberg  
**Cc:** Nancy de Pastino; Heidi Kendall; Pedro Morillas  
**Subject:** Re: MCA question



Of course. Let us know how we can help with any of the policy details.

On Thu, Sep 10, 2015 at 10:23 PM, Bryan von Lossberg <BvonLossberg@ci.missoula.mt.us> wrote:  
Thank you, Jonas, for the quick response. Much appreciated. I'd like to follow up a bit more with you on some of this, but that's not anything that needs to hold up the referral to committee.

Nancy and Heidi: I will get the referral in tomorrow but will hold off on attaching the new draft until Monday evening. That'll give me a little more time to submit the new draft to Jim and touch base with others (Marilyn, Emily etc.)

Thanks,  
Bryan

Bryan von Lossberg  
Alderman, Missoula City Council - Ward 1  
522 Howell St  
Missoula, MT 59802  
(406) 285-1857

On Sep 10, 2015, at 4:00 PM, Jonas Oransky <joransky@everytown.org> wrote:

Thanks, Bryan. These are good and thoughtful edits from Jim. See my comments below and revised text (both a clean and a tracked-changes version) attached. Please feel free to forward to Jim and anyone else who might need to see this.

We are well aware of the 45-8-351 provision, and believe that Missoula is empowered to legislate in this fashion; we are also aware that the ordinance could lead to litigation (as many gun violence prevention laws do), and believe that Missoula would prevail.

Best,  
Jonas

**JONAS ORANSKY** | COUNSEL  
CELL 203.247.5702 | [JORANSKY@EVERYTOWN.ORG](mailto:JORANSKY@EVERYTOWN.ORG)

EVERYTOWN FOR GUN SAFETY  
[EVERYTOWN.ORG](http://EVERYTOWN.ORG) | @EVERYTOWN

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.

Missoula City Council Member Bryan Von Fosberg, while crafting his Missoula City background check gun ordinance, sought and obtained the legal advice of Mr. Jonas Oransky, an attorney residing in New York City, who is a paid lobbyist for Everytown for Gun Safety. Von Fosberg's ordinance, which requires federal background checks for private transfers of firearms, was passed into law by a 7-5 vote by the Missoula City Council this fall.

On January 26, 2016 Montana Attorney General Tom Fox released an opinion declaring that Von Fosberg's ordinance conflicts with state law and is unenforceable. Von Fosberg also sought the aid of Pedro Morillas, another paid lobbyist for Everytown for Gun Safety, who resides in Washington, D.C. Neither of these individuals has ever registered as a lobbyist in Montana. I have enclosed an example of an email exchanged between Von Fosberg and Jonas Oransky in which Oransky provides legal advice to Von Fosberg. There are a number of such emails between Oransky and Von Fosberg in which Oransky assures Von Fosberg that his proposed ordinance is legal and would be upheld under litigation.

Dennis Gordon  
January 31, 2017

Complaint must be:

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