

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

IN THE MATTER OF THE)	
ETHICS COMPLAINT OF)	ORDER DISMISSING
JAMES E. TURNER AGAINST)	COMPLAINT
KEN THREET)	

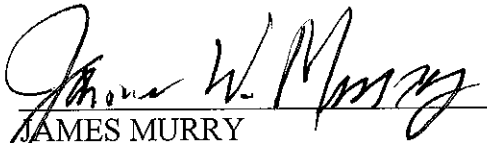
The Complaint of James E. Turner was received in the Office of the Commissioner of Political Practices on May 22, 2012. The matter was referred to a hearing examiner, Joe Seifert, in August, 2012. The record reflects that a pre-hearing scheduling order was served on the parties on August 22, 2012, and on September 11, 2012, the hearing examiner set a motions schedule. The parties were advised that dispositive motions would be considered pursuant to Rule 56, Montana Rules of Civil Procedure, and that any motion depending, in whole or in part, upon the existence or non-existence of any material fact must be supported by affidavit or other competent evidence.

Counsel for Mr. Threet and the Montana Department of Labor and Industry served a motion for summary judgment and supporting brief on October 12, 2012. The original order setting a briefing schedule required answer briefs to be filed on or before November 9, 2012. Mr. Turner, the complaining party, filed no brief nor any affidavit opposing the motion for summary judgment.

The Commissioner has reviewed the findings of fact, conclusions of law, and recommendation of the hearing examiner dated November 15, 2012. The Commissioner adopts the recommendation of the hearing examiner to dismiss this complaint because the uncontradicted factual statements supporting the motion for summary judgment demonstrate that Mr. Threet's activities do not violate the statutory provisions referred to, generally, in Mr. Turner's complaint: MCA §§ 2-2-105(2), (5), and 2-2-121(2)(e).

Accordingly, the complaint in this matter is hereby DISMISSED.

DATED this ___ day of November, 2012.


JAMES MURRY
COMMISSIONER OF POLITICAL
PRACTICES