

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

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COMMISSIONER OF  
POLITICAL PRACTICES

HAND DELIVERED

SIGNED/NOTARIZED

### Campaign Finance and Practices

### Complaint Form (08/17)

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

**Person bringing complaint (Complainant):**

Complete Name Paul L. Craft

Complete Mailing Address 336 S. Rife Street  
Dillon, Montana 59725

Phone Numbers:            Work \_\_\_\_\_ Retired \_\_\_\_\_ Home 406-683-6562

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

Complete Name Franklin D. Kluesner

Complete Mailing Address 55 Peterson Lane  
Dillon, Montana 59725

Phone Numbers:            Work 406-683-3700 Home 406-660-4286

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

**Verification by oath or affirmation**

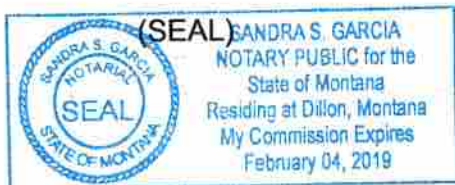
State of Montana, County of BEAVERHEAD

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

Paul L. Craft  
Signature of Complainant

Subscribed and sworn to before me this 16 day of August, 2018.

Sandra S. Garcia  
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.

I am reporting what I believe to be campaign finance reporting violations by Franklin D. Kluesner, the current Sheriff of Beaverhead County who is running for re-election in the November 2018 general election.

During the Month of May, Kluesner for Sheriff campaign signs began appearing in and about Dillon. These appear to be the same campaign signs used in his 2014 campaign for Sheriff and may be being recycled. On May 29th, I took the attached picture of one of his signs, posted on Montana Highway 91 North approximately 5 miles from the Dillon city limits. I have observed approximately 40 to 50 such signs in and around Dillon and in the outlying areas of the Beaverhead County. It has been two reporting cycles and the Kluesner campaign has failed to include the cost of any signs on his financial reports, or, if they are recycled signs, the donation of the signs from his 2014 campaign to his 2018 campaign.

For the entire reporting cycle from March 9, 2018 to May 6, 2018, Frank Kluesner's finance report filed on May 6, 2018, indicated he had no income and no expenditures during the course of his campaign up to that point, and does not show any money in a bank account. On June 25, 2018, after the third finance report deadline, he did amend the first campaign report to indicate he had, in fact, paid his filing fee of \$231.49, but still showed no income into his campaign to pay this fee from any source, including in-kind contributions. As of this date, the Amended campaign report still shows no income received, in-kind or donated, to pay for the campaign fee. His May 7, 2018 to May 24, 2018 campaign report has no income or expenses reported. His May 25, 2018 to June 23, 2018 campaign report does show some income, but it also shows the purchase of t-posts for signs from Rocky Mountain Supply, but no expense for signs.

I believe the failure to accurately report income and expenses on his first financial report and his total failure to report any expenses or in-kind contributions for his signs, to be a violation of the finance reporting laws found in Montana Code Annotated §13-37-225 and §13-37-226, especially in light of the recent Missoulian article 'Commissioner finds Missoula sheriff violated campaign finance laws', June 1, 2018.

Just prior to July 27, 2018, Kluesner delivered the enclosed letter to member of the press in Butte and Dillon. The letter contains a statement about his years of service in law enforcement and his hope that the voters will give him a second term. In reading the letter, it contains information in regards to a recent controversy over the firing of a Beaverhead County Deputy, however, also provides significant commentary regarding the political fodder this firing gave to his political opponents. I note that the letterhead that was used for this "MEDIA STATEMENT" contains the words "RE-ELECT" and the letter concludes with www.kluesnerforsheriff.com I believe this is clearly a campaign letter and fails to include an attribution as defined in §13-35-225, MCA, and is in violation of the campaign reporting laws. I have also enclosed a copy of the article as it was posted in the newspaper and a follow-up that was done by the Dillon Tribune.

**Complaints must be:**

- signed
- notarized
- delivered in person or by mail





# Setting the ground rules

By J.P. Plutt

The "op-ed" by Frank Kluesner printed in last week's edition of the Dillon Tribune was, in the opinion of this editor, campaign material. My immediate reaction to the piece when it came in was to treat it as such and request that Kluesner follow protocol and purchase an advertisement.

We received Kluesner's e-mail on the day of our previous edition's release, leaving us an entire week before our next paper came out. Over the next few days the piece appeared in two publications, thus leaving me no choice but to run with it. I had no choice because it was out there and there were other parties getting short-changed in the process. In the spirit of fair play and equal time, I will print an op-ed from candidate Paul Craft of equal or less length on any topic of his choosing. Craft will have to submit the piece within two weeks of today to take advantage of the offer.

The county commissioners and the county attorney, parties attacked by Kluesner in the piece, also have the chance for rebuttal if they so choose. Early indications are that they will stay out of the fray.

The Dillon Tribune will address Kluesner's concerns both on the opinion side and the news side. As always, Kluesner will be contacted for comment regarding any news story that deals with the Beaverhead County Sheriff's Department.

Going forward, the Tribune will feature a multi-week Candidate's Forum in which all candidates will be treated as equals.

*J.P. Plutt is the editor and publisher of the Dillon Tribune.*

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**STATEMENT FROM SHERIFF KLOESNER**

I am now in my 28th-year of service in law enforcement in Beaverhead County, and I believe that doing the right thing is always the right answer no matter how difficult it might be. Over the last three years and seven months, it has been the highlight of my career and high honor serving as your Sheriff. I look forward to continuing to serve as your Sheriff should you choose to give me a second term.

As a part of the job you've entrusted me with, it is my duty to respond to comments made in the media and rumors circulating in the community about certain personnel matters over the last three months. The claims being made against me are not in harmony with truth or facts. An honest review of my record will reveal that I do not make knee-jerk decisions or lay down my professionalism on the whims of political expediency. I answer to the people of our County and feel the need to address them directly on these issues.

Until now it has not been appropriate for me to comment in detail while a private, internal process took place regarding a personnel matter. Although I strive to be as transparent as possible, employees have privacy rights that must be respected. On top of those employee privacy rights, the Beaverhead County Commission has ordered the internal investigation be sealed from the public. This has created the perfect storm for coordinated and deliberate misinformation efforts by my political opponents that seek to discredit my ethics, integrity and real accomplishments as your Sheriff. That said, I am able to speak openly about the process and my actions and to respond to conduct by other parties involved which I consider highly inappropriate and misleading to the public.

As has been made public, there has been a dispute over my termination of an employee in the Sheriff's Office. This was not a matter that I took lightly. After the termination there was a grievance process in which the decision was made by the County Commission to reinstate the employee. Though I strongly object to this decision, I have complied fully, and the employee is back on duty. As one might expect, many people in the community are wondering why this action was taken in the first place. While the details of my decision cannot be made public, there are omissions of and misrepresentations of the truth that have lent well to a politically motivated rumor mill.

Prior to making any personnel decision, I follow a very thorough process. This recent issue was no exception. Prior to the termination of the employee, an objective investigation was conducted that revealed issues I simply could not ignore. This investigation was not conducted by me, rather it was assigned to the Undersheriff, who was uninvolved in the matter. This was done to safeguard any appearance of bias and keep objectivity in-tact. In addition to this objective investigation, and prior to the termination of the employee, my decision was reviewed and approved by the county's association legal services department. In the face of this reality, the County Commission still chose to ignore the Sheriff's decision

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and the Undersheriff's investigation in this matter, disregarding their combined 55- years of law enforcement experience. Instead, the Commission and County Attorney, who was the hearing officer in this process, chose to bury the real issues under review, converting it into a political smear campaign against the senior leadership of the Sheriff's Office. Unfortunately, this smear campaign went so far as to reveal private details of this process on the front page of a local newspaper. In spite of several identified conflicts of interest and a written plea from the Sheriff to recuse the Commissioners and County Attorney, they chose not to move this matter to the next step in the grievance process where a more independent review could take place. Instead, the Commission and County Attorney disregarded objectivity and the appearance of bias and issued a ruling that I strenuously disagree with and find flawed and not worthy of the public's trust and good faith. Now, the Sheriff's findings in the original matter have been sealed from the public.

It is a part of our constitutional system to have separate branches of government that check and balance each other. What you may not realize about Beaverhead County's form of government is that in extreme situations, the County Commissioner's Office can play the role of the executive, judicial and legislative branches. This is how this situation was handled and why I am deeply concerned about the process and outcome of this matter.

Now that the grievance procedure has run its course and the Deputy, by order of the County Commission, has been reinstated I am moving forward in carrying on the mission of the Sheriff's Office and progressing in the public's best interest. However, I do feel it my obligation, as your elected Sheriff, to inform the residents of Beaverhead County of the disappointing nature on how this matter was handled by the County Commissioners and County Attorney.

As an elected official, I have moral and ethical obligations to ensure that every deputy sheriff conducts themselves in a matter that does not violate the public trust. I take this responsibility seriously. I can assure you that I followed county policy.

I am dedicated on a daily basis to overseeing the public safety needs that are the responsibility of the Sheriff's Office, including the 911 Center, Detention Center, civil, law enforcement and search and rescue functions. I will continue to serve with the level of commitment and integrity expected by the citizens of Beaverhead County.

I will keep striving to move the Sheriff's Office forward in a professional, accountable and positive way. There is great work being done every day by the men and women of the Beaverhead County Sheriff's Office that should not be overshadowed by personal and political exploitation. I will defend the truth no matter how difficult. I look forward to sharing the great work that we've accomplished during my term.

Thank you,  
 Frank  
 Sheriff Franklin D. Kluesner II [www.kluesnerforsheriff.com](http://www.kluesnerforsheriff.com)

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## MEDIA STATEMENT...

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