

Commissioner of Political Practices  
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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 Jake Eaton  
Complete Mailing Address PO Box 81274  
Billings, MT 59108  
Phone Numbers: Work \_\_\_\_\_ Home \_\_\_\_\_

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

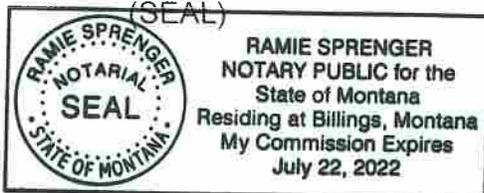
Complete Name James Hamilton  
Complete Mailing Address PO Box 1768  
Bozeman, MT 59771  
Phone Numbers: Work \_\_\_\_\_ Home \_\_\_\_\_

*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 Yellowstone

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



Signature of Complainant

Subscribed and sworn to before me this 7<sup>th</sup> day of August, 2018.

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 attached

**Complaints must be:**

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

James Hamilton, candidate for House District 61 2016 has violated ARM 44.11.502 by failing to report the purpose, subject matter and quantity of election materials and debts owed by the campaign.

ARM 44.11.502 states:

### EXPENDITURES, REPORTING

(1) A campaign expense paid personally by an individual in his or her own campaign is always coordinated with, and is a campaign expense of, the campaign that must be reported and disclosed as an expense by the campaign in the same manner as an expense paid through the campaign depository account.

(2) An obligation to pay for a campaign expenditure is incurred on the date the obligation is made, and shall be reported as a debt of the campaign until the campaign pays the obligation by making an expenditure.

(3) An expenditure is made on the date payment is made, or in the case of an in-kind expenditure, on the date the consideration is given.

(4) The date of each expenditure shall be reported in the reporting period during which it is made.

(5) Expenditures made from the petty cash fund need not be reported, except that an accounting shall be maintained pursuant to ARM 44.11.409.

(6) All expenditures must be supported by a contemporaneous written agreement, invoice, billing statement, or similar documentation appropriate to the transaction that describes the services provided, the billing period identifying the specific dates on which services were provided, an itemized basis for the payments made, and other pertinent information.

(7) For purposes of the disclosure requirements of 13-37-229 and 13-37-232, MCA, the "purpose" of each expenditure as reported on the commissioner's campaign finance reporting forms shall specifically describe the purpose, quantity, subject matter, as appropriate to each expenditure, and must be detailed enough to distinguish among expenditures for similar purposes. For example, two expenditures for direct mail advertisements should not both be reported as "Flyers."

#### 1. Violation ARM 44.11.501(2)

The 9/30/16-10/22/16 c5 report (exhibit 1) lists a payment of \$746.00 to Artcraft Printers of Billings, MT described as "mailshop services for 3,600 campaign mailers" on 10/24/16.

The 10/23/16-11/23/16 c5 report (exhibit 2) lists a payment of \$951.50 to Mailing Technical Services of Billings, MT described as "postage for 3,565 letter for campaign mailer" on 11/1/16.

Given the proximity in number of pieces and date it is reasonable to presume these are 2 separate charges for the same mailer. The postage amount and/or approximate amount for the mailer should have been listed as debt on the 9/30/16-10/22/16 c5 report. The campaign's failure to do so is in direct violation with the standard set forth in ARM.

2. Violation ARM 44.11.501(4)(7)

The 9/30/16-10/22/16 c5 report (exhibit 1) lists a payment of \$746.00 to Artcraft Printers of Billings, MT described as "mailshop services for 3,600 campaign mailers" on 10/24/16.

The 10/23/16-11/23/16 c5 report (exhibit 2) lists a payment of \$951.50 to Mailing Technical Services of Billings, MT described as "postage for 3,565 letter for campaign mailer" on 11/1/16.

Given the proximity in number of pieces and date it is reasonable to presume these are 2 separate charges for the same mailer.

While the campaign accounts for expenditures to mailshop the mailer and for the postage involved neither c5 report accounts for the cost to design, print and/or develop the targeted mailing list the mailer was sent to.

The failure to fully report these expenditures and provide a proper description/purpose of the expenditures is in direct violation with the standard set forth in ARM.

**Candidate Campaign Finance Report (C-5)**

Candidate Information

Date Filed: 01/16/2016  
 D1 Received Date: 01/25/2016  
 C118 Received Date:

Amended Filing for: 09/30/2016 - 10/22/2016  
 Report Type: Periodic  
 Receive and File Date: 10/27/2016  
 Report Status: Amended  
 Amended Date: 06/19/2017

Hamilton, James A  
 P.O. Box 1768, Bozeman, MT 59771

Election Year: 2016

Resident County: Gallatin  
 (406) 570-7517  
 Hamiltonformthouse@gmail.com

Office Sought: House District No. 61  
 Political Party: Democrat

Candidate Type: State District  
 Candidate Status: Closed

*Exhibit 1*

Treasurer:  
 Hawks, Jane  
 703 W Koch St Bozeman, MT 59715

Bank Information:  
 1st Security Bank  
 208 East Main St Bozeman, MT 59715

Summary Report

Cash Summary: Money Received and Spent

	Primary	General
1. Cash in Bank - Balance from previous report	\$0.00	\$5,356.17
2. Receipts - Total Received and deposited this period	\$0.00	\$1,270.00
<b>Subtotal</b>	\$0.00	\$6,626.17
3. Expenditures - Total paid out this period	\$0.00	\$3,302.30
4. Cash in Bank - Ending Balance this report	\$0.00	\$3,323.87

Candidate Contributions

Election	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Loans

Entity	Occupation/ Employer	Election	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Fundraisers

Entity	Election	Purpose	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Committee Contributions

Entity	Committee Type	Election	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
Montana Academy of Ophthalmology-Eye 34 West Sixth Ave. Ste. 2E, Helena, MT 59601	Independent Committee Contributions	General	10/01/2016			\$0.00	\$100.00	\$0.00(P) \$100.00(G)
Treasure State PAC 3242 Cummins Way, Missoula, MT 59802	Independent Committee Contributions	General	10/05/2016			\$0.00	\$200.00	\$0.00(P) \$200.00(G)

Individual Contributors (Total Contributions < \$35: \$25.00) (Primary Contributions < \$35: \$0.00) (General Contributions < \$35: \$25.00)

Entity	Occupation/ Employer	Election	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
Banks, Kelly 1374 Cougar Drive, Bozeman, MT 59718	PHYSICIAN Bozeman Deaconess Health Group	General				\$0.00	\$200.00	\$0.00(P) \$200.00(G)
Burns, Paul 1031 E Olive St., Bozeman, MT 59715	UNEMPLOYED NA	General				\$0.00	\$50.00	\$0.00(P) \$50.00(G)
Castillo, Annie 1374 Cougar Drive, Bozeman, MT 59718	PHYSICIAN Bozeman Deaconess Health Group	General				\$0.00	\$200.00	\$0.00(P) \$200.00(G)
Chambers, David 224 N Church Ave, Bozeman, MT 59715	GEOPHYSICIST Center for Science in Public Participation	General				\$0.00	\$50.00	\$0.00(P) \$50.00(G)
Drenk, Dean 221 Westridge Dr., Bozeman, MT 59715	RETIRED NA	General				\$0.00	\$45.00	\$0.00(P) \$45.00(G)
Eversman, Sharon 1402 Cherry Drive, Bozeman, MT 59715	RETIRED NA	General				\$0.00	\$50.00	\$0.00(P) \$50.00(G)
Heminway, John H 141 Village Crossing Way, Bozeman, MT 59715	Writer/Producer SELF EMPLOYED	General				\$0.00	\$50.00	\$0.00(P) \$50.00(G)
Jesaitis, Al J 115 Jack Leg Ln, Bozeman, MT 59715	Retired NA	General				\$0.00	\$100.00	\$0.00(P) \$100.00(G)
Pope, Madeline F 1508 S Willson Ave, Bozeman, MT 59715	PROJECT MANAGER TPL	General				\$0.00	\$100.00	\$0.00(P) \$200.00(G)
Smith, Carol 7424 Bridger Canyon Rd., Bozeman, MT 59715	RETIRED NA	General				\$0.00	\$100.00	\$0.00(P) \$100.00(G)
Wilson, Patrick 162 Meadowlark Dr., Bozeman, MT 59718	RETIRED NA	General		Food for campaign meet and greet		\$30.00	\$0.00	\$0.00(P) \$60.00(G)

Expenditures: Petty Cash

Election	Purpose	Date	Amount
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Expenditures: Other

Entity	Election	Purpose	Date	Amount
ActBlue 366 Sumner Street, Somerville, ME 02144	General	Credit card processing fee for Madeleine Pope	10/10/2016	\$3.95
ActBlue 366 Sumner Street, Somerville, ME 02144	General	Credit card processing fee for Paul Burns	10/08/2016	\$1.98
Aircraft Printers 2001 1st Ave N, Billings, MT 59103	General	Mailshop services for 3,600 campaign mailers.	10/24/2016	\$746.00
Bozeman Printing Company 702 W Main, Bozeman, MT 59715	General	Postcard printing for 700 "Your Legislative Voice ..." postcards	10/13/2016	\$101.49
Plazby Solutions 796 Stonegate Drive, Bozeman, MT 59715	General	Charter Media Buy - 503 ads placed between October-November 2016 on CNN, HGTV, FOX	10/24/2016	\$2,448.88

Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
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Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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**Candidate Campaign Finance Report (C-5)**

Candidate Information

Date Filed: 01/16/2016  
 D1 Received Date: 01/25/2016  
 C118 Received Date:

Amended Filing for: 10/23/2016 - 11/23/2016  
 Report Type: Periodic  
 Receive and File Date: 11/28/2016  
 Report Status: Amended  
 Amended Date: 04/28/2017

Hamilton, James A  
 PO. Box 1768, Bozeman, MT 59771

Election Year: 2016

Resident County: Gallatin  
 (406) 570-7517  
 Hamiltonformhouse@gmail.com

Office Sought: House District No. 61  
 Political Party: Democrat

Candidate Type: State District  
 Candidate Status: Closed

Treasurer:  
 Hawks, Jane  
 703 W Koch St Bozeman, MT 59715

Bank Information:  
 1st Security Bank  
 208 East Main St Bozeman, MT 59715

*Exhibit 2*

Summary Report

Cash Summary: Money Received and Spent		Primary	General
1. Cash in Bank - Balance from previous report		\$0.00	\$3,323.87
2. Receipts - Total Received and deposited this period	+	\$0.00	\$490.00
	Subtotal	\$0.00	\$3,813.87
3. Expenditures - Total paid out this period	-	\$0.00	\$1,934.78
4. Cash in Bank - Ending Balance this report		\$0.00	\$1,879.09

Candidate Contributions

Election	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Loans

Entity	Occupation/ Employer	Election	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Fundraisers

Entity	Election	Purpose	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Committee Contributions

Entity	Committee Type	Election	Date	Description	In-Kind	Value	Cash/Check Amount	Total to Date
BCBSMT Health Care Service Corporation PAC P.O. Box 4309, Helena, MT 59604-4	Independent Committee Contributions	General	11/01/2016			\$0.00	\$170.00	\$0.00(P) \$170.00(G)

Individual Contributors (Total Contributions < \$35: \$0.00) (Primary Contributions < \$25: \$0.00) (General Contributions < \$35: \$0.00)

Entity	Occupation/ Employer	Election	Description	In-Kind	Value	Cash/Check Amount	Total to Date
Cooksey, Diana 850 Kelly Creek Rd, Bozeman, MT 59715	Lab Manager/Instructor MONTANA STATE UNIVERSITY	General			\$0.00	\$50.00	\$0.00(P) \$50.00(G)
Kasting, Kent 819 Kelly Creek Rd, Bozeman, MT 59715	RETIRED NA	General			\$0.00	\$50.00	\$0.00(P) \$50.00(G)
McKinnie, Michele 720 Haggerty Lane Unit 204, Bozeman, MT 59715	PSYCHOLOGIST SELF	General			\$0.00	\$170.00	\$0.00(P) \$170.00(G)
McMahan, Lloyd Ann 8642 East Panorama Dr., Bozeman, MT 59715	RETIRED NA	General			\$0.00	\$50.00	\$0.00(P) \$75.00(G)

Expenditures: Petty Cash

Election	Purpose	Date	Amount
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Expenditures: Other

Entity	Election	Purpose	Date	Amount
14 North 14 N Church St, Bozeman, MT 59715	General	Campaign Volunteer Thank You Party	11/08/2016	\$774.50
ActBlue 366 Summer Street, Somerville, ME 02144	General	Credit card processing fee for Diana Cooksey	11/04/2016	\$1.98
Action, Loren W P.O. Box 1857, Bozeman, MT 59771	General	Reimbursed Loren for stamps used in campaign mailings (440 stamps)	10/25/2016	\$206.80
Mailing Technical Services, Inc. PO Box 1753, Billings, MT 59103	General	Postage for 3,565 letter for campaign mailer	11/01/2016	\$951.50

Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
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Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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