

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

Campaign Finance and Practices

Complaint Form (08/17)

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COMMISSIONER OF
POLITICAL PRACTICES
HAND DELIVERED

SIGNED/NOTARIZED

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

Person bringing complaint (Complainant):

Complete Name Frank Garner
Complete Mailing Address Box 10176, Kalispell, MT 59904
Phone Numbers: Work 406-471-7197 Home _____

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

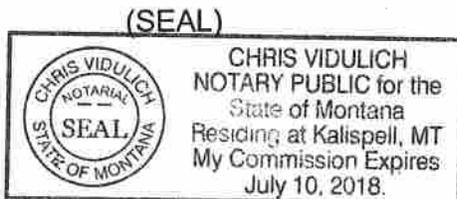
Complete Name Al Chan and Montana Citizens for Right to Work
Complete Mailing Address Unknown
Phone Numbers: Work Unknown Home _____

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 FLATHEAD

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



Frank Garner
Signature of Complainant

Subscribed and sworn to before me this 6th day of MARCH, 2018.

Chris Vidulich
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.

I am filing a complaint against Al Chan and Montana Citizens for Right to Work (respondents) for violating Montana campaign finance laws. In the past few legislative sessions we have passed legislation to stop dark money groups from corrupting our elections.

It appears as if these groups are back and are trying to corrupt our election system once again. In the past few days I was contacted by a resident of Flathead County who informed me that he was at a meeting with Al Chan, a representative of Montanans for Right to Work, who was seeking to recruit candidates in direct opposition to me during the current election cycle.

The activity of respondents constitutes an expenditure (as defined in MCA 13-1-101). Respondents have violated the law because they have not filed a C-2 form as required by MCA (13-37-201). Also, depending on the amount of time these individuals/groups have been engaged in political activity, respondents may have violated MCA 13-37-225 by failing to file reports.

I also believe respondents may be active in other races in other districts where candidates are challenging Republican incumbents. Please take the necessary steps to stop dark money groups from supporting or opposing candidates as they attempt to corrupt Montana's election process.



Frank Garner
Box 10176
Kalispell, MT 59904
406-471-7197

Jeff Mangan
Montana Commissioner of Political Practices
1209 8th Avenue
PO Box 202401
Helena, MT 59620-2401

March 6, 2018

Dear Commissioner,

I am forwarding a complaint to you that details my concerns about the activities of Al Chan and Montana Citizens for Right to Work. Please see attached complaint, narrative and witness statement from Dan Nelson.

The statement from Mr. Nelson was copied from an email he sent to me regarding his observations. I am prepared to send a copy of the original email to you at your direction. Please provide the appropriate email address for that purpose.

I will forward Mr. Nelson's phone number. He said he is willing to talk to your representative further as necessary.

Please let me know if you need additional information from me regarding this complaint.

Sincerely,



Frank Garner
Box 10176
Kalispell, MT 59904
406-471-7197

Frank,

Here are the notes that I took. I cleaned them up a bit from a rambling stream of consciousness, so hopefully they aren't too confusing. Let me know what happens and if there is anything more I can do. I'm not a fan dark money and shady deals.

-Dan

What I remember/felt

Tuesday Feb 27:

I received a call from someone with the Flathead libertarians asking about me possibly filing to run in the upcoming election and inviting me to a meeting the next day. On the call I was told the meeting was with a national right to work group and they are looking to find someone to run against Gardner. I remember having a slight impression that the person who called was planning to ask or bring up me possibly switching to run in district 7 rather than 6, but they did not and if it was on their mind it did not seem pressured or important. However it is something I specifically remember thinking I was going to ask during our conversation. The caller wasn't the one who setup the meeting and did not seem to have much knowledge of who we were meeting. They didn't know the guy's name or the name of the group he is with. All they knew was that it was kind of a last minute thing, it was with someone from a right to work group, and that they were specifically interested in getting someone to run in district 7 against Garner.

Wednesday Feb 28:

The meeting was at Hu-Hut in Kalispell at 2. I arrived at 2 along with 3 other people. The person we were supposed to be meeting with, Al Chan, was running late.

Prior to Al showing up, the same individual who had called me the night before again mentioned that the guy we were meeting was hoping to find someone to run in district 7 against Garner. One of the people who showed up was someone who had been considering filing and it was mentioned that he should possibly run in district 7.

Sometime around 2:20 Al showed up and we all sat down at a table. Al exchanged pleasantries and said he was with a single issue group called Montana Citizens for Right to Work.

Early on Al mentioned that they are interested in finding someone to run in District 7. Al said he did not like Garner and talked about him being a liberal and listed off several bills Garner either supported or was against in what seemed to be a negative fashion. Only one of the bills and issue he talked about as it was related to Garner was related to the Right to Work issue. Al said he also had a personal beef with Frank Garner and implied he had met him before and didn't like him. Al did not specify what his issue was or why.

At one point during the meeting, the person who called me informed Al that he was currently running in a different district. Al offered to provide him with a pre-written bill to make Montana a right to work state should they win. Other than that, Al seemed un-interested in the run or his district.

I was introduced as looking at running in another district as well and I explained that unlike the others I am not sold on making Montana a Right to Work State. I asked questions related to "right to work" as it's an issue I disagree with. Al seemed reluctant to engage in an actual discussion on "right to work." I asked Al about his thoughts on agency fees and he did not seem to understand what I was talking about. I asked if he had concerns about becoming a right to work state, and if there are any cons he could see or difficulties that might come from the switch. He did not seem interested in a discussion on the issue. The only argument Al made for the entire meeting related to Right to Work was simply that compulsory union membership is wrong. He gave no other argument, details, facts, or numbers. He had no informational handouts to offer and his group doesn't even have a website where people can go to find out what their position is and arguments on the issue.

The rest of us did engage somewhat in talking about right to work, but most all of what Al did was name drop libertarians, claim he was secretly a libertarian, and say he was really more of an anarchist.

The other person who was considering a run was mentioned and Al seemed very interested in making sure it would be in District 7 against Garner. When they said they might run, Al said that he "wanted to help them in any way they could." I was suspicious at this point and interjected "Does that include money?" Al did not say yes or no. I asked him again and he responded "What like from my wallet." I said sure, either him personally or the Montana Citizens for Right to work. Al again did not say yes or no, but instead said "We can talk about that later." (No further discussion occurred about money while I was there or that I know of.)

I had to leave the meeting at 3:25, there were still 4 people there including Al.

More thoughts/events during/after,

Early on, the meeting did not feel right. I got the impression it was in large part about targeting Garner for more reasons than just Right to Work issues. Many things felt shady. While Al did identify the Montana Citizens for Right to Work as being a 501(c)(4), at no point in the conversation did he mention his organization is not allowed to contribute or directly campaign for/against a specific candidate. Nor did he offer information based resources or seem interested in discussing the single issue his group stands for. I had thought Al was with the National Right to Work Committee, and after saying I got some information off his website Al informed me they didn't have a website and he spoke as if he wasn't familiar or even heard of the National Right to Work Committee. Shortly before I left I discovered a site that showed the National Right to Work Committee was the number one donor for Montana Citizens for Right to Work up through at least 2012. After seeing that I again asked Al if he knew of or was associated with the National Right to Work Committee he said no. I asked "But they are your biggest donor right? I mean they donated half a million dollars to you guys in 2012." Al said he knew what I was talking about, but that was before his time with Montana Citizens for Right to Work. I asked if he's able to disclose any of their donors from after 2012. He said he cannot.

The whole thing felt so wrong. After the meeting I looked into Montana Citizens for Right to Work and Al Chan and discovered Al's linked in profile shows that he was employed by the National Right to Work Committee up until January of 2018. Meaning that just 2 months prior to our conversation Al was working for the very group he said he didn't really know nor have any association with. Al's linked in profile is [here](https://www.linkedin.com/in/al-chan-b3480129/)<https://www.linkedin.com/in/al-chan-b3480129/>

I do not know campaign finance law well enough, but everything felt so wrong and suspicious that I felt compelled to write down notes on the morning of March 1st. After taking down these notes I felt I should at the very least reach out to Frank Garner and inform him of what was going and of what I felt to be a 501(4c) group covertly engaging in a direct political attack against him.



Picture of Al Chan, Montana Citizens for Right to Work from LinkedIn profile contained in witness statement provided in complaint



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Al Chan • 3rd

Assistan Executive Director at Montana Citizens For Right To Work
Montana Citizens For Right To Work • Montana State University-Bozeman

Bozeman, Montana • 49



Overall I believe in Freedom and Liberty as well as as strong and Free economy. Networking with grassroots voters and activists as well as meeting potential candidates for office is how I believe we can ...

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Experience



Assistan Executive Director

Montana Citizens For Right To Work

Jan 2018 – Present • 3 mos

For Right

Bozeman MT

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