

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JEFF MANGAN
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643
www.politicalpractices.mt.gov

1209 EIGHTH AVENUE
P.O. BOX 202401
HELENA, MT 59620-2401

April 28, 2020

James V. Crews
316 9th St.
Stevensville, MT 59870

Subject: Complaint received April 23, 2020; Crews v. Dewey, COPP-2020-CFP-008

Dear Mr. Crews:

Your complaint appears to describe alleged violations of both Montana's Code of Ethics and campaign finance law. Please note that enforcement authority for alleged violations of Montana's Code of Ethics by local government officers such as Mr. Dewey would fall to the County Attorney of the county where the local government is located, §2-2-144, MCA. For that reason, this Office must reject the portion of your complaint regarding alleged violations of §2-2-121(3), MCA. A full copy of your Complaint will be forwarded to Ravalli County Attorney Bill Fulbright for his consideration of that matter.

Please note that your complaint has been accepted as a formal Campaign Finance and Practices (CFP) complaint, as the portion of your complaint alleging violation of certain campaign finance laws related to Montana elections appears to conform to the requirements of 44.11.106 ARM. A copy of the complaint will be sent to the respondent listed above, and he has been instructed to provide a response to the COPP. Again, please note the complaint has only been accepted as a formal Campaign Finance and Practices complaint, and only that portion of the complaint will be considered by this Office.

If upon further examination the complaint is dismissed based on one or more of the deficiencies described in that rule, you will be notified, and the basis for the dismissal will be explained. If an investigation is conducted, a summary of facts and statement of findings will be prepared, and a copy will be sent to you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Mangan".

Jeffrey A. Mangan
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

FOR OFFICE USE ONLY

RECEIVED

2020 APR 23 P 12:45

COMMISSIONER OF
POLITICAL PRACTICES
HAND DELIVERED

SIGNED/NOTARIZED

Ethics

Complaint Form (10/17)

Person bringing complaint (Complainant):
Type or print in ink all information on this form except for verification signature

Complete Name James V. Crews

Complete Mailing Address 316 9th Street
Stevensville, Montana 59870

Phone Numbers: Work _____ Home 406-546-1102

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

Complete Name Brandon E. Dewey, Mayor of Stevensville, MT

Complete Mailing Address 206 Buck Street
Stevensville, Montana 59870

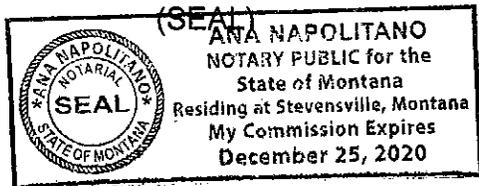
Phone Numbers: Work 406-777-5271 Home _____

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 Ravalli

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



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 23 day of April, 2020.

[Signature]
Notary Public

My Commission Expires: Dec. 25, 2020

Statement of facts:

Describe in detail the alleged violation(s), including pertinent dates, 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.

On 4-22-2020, Mayor Brandon E. Dewey either created or approved the creation of a page on the Town of Stevensville Website , hard copy attached, to view on line please go to www.townofstevensville.com/mayor/page/recall-facts-and-questions in order to oppose a recall effort. A Recall Petition has been approved by the Ravalli County Election Administrator, Regina Plettenberg. (copy attached).

Mayor Dewey has started a campaign to oppose the recall petition, and is operating on several fronts. 1st the Mayor is using Town of Stevensville resources to disseminate information opposing the recall via the Town of Stevensville web site and has published same on the Town of Stevensville-Municipal Government FaceBook Page.

Secondly Mayor Dewey has apparently authorized the placement of campaign signage in town and outside of town, and has on the signage named a campaign treasurer, Renee Endicott. Signs are available from a Town Citizen, Sue Devlin 305 6th St., Stevensville. (photo of sign attached)

I believe Mayor Dewey is potentially violating campaign finance laws in that he has authorized or the placement of "Dewey for Mayor" signs" outside and inside town limits, he is aware of the signage and their content, with the listing of the Treasurer's name. I believe Mayor Dewey is violating the Ethics Laws of the State of Montana in that he is apparently using public property and resources to engage in a political campaign to oppose a valid recall effort.

Reference 2-2-121(3) MCA
Failed to file C1A form

<p>Complaints must be:</p> <ul style="list-style-type: none">• signed• notarized• delivered to the Commissioner in person or by mail.
--

COVID-19 PANDEMIC INFORMATION - STAY AT HOME DIRECTIVE

Mayor

Recall Facts and Questions

This communication aims to answer citizen questions and dispel misinformation about the petition being circulated by Leanna Rodabaugh to recall Stevensville Mayor Brandon E. Dewey. The recall petition alleges violations of Montana Code and Town Code as well as the Mayor's Oath of Office. These allegations have not been charged against Mayor Dewey but have been thoroughly reviewed by legal counsel and investigated by the City Attorney and found to be unsubstantiated.

The reverse side of this document provides general information about the recall process, and details about Town's the IT Services.

Myth vs Fact

Myth: Mayor Dewey violated the law and his oath of office by signing a contract for managed IT services.

Fact: Mayor Dewey signed an agreement for IT services in accordance with applicable laws. The adopted fiscal year 2020 budget includes funding for IT services for various departments. In accordance with the current purchasing policy and Montana law, the Mayor has authority to enter into agreements. The agreement signed by the Mayor was authorized by the purchasing policy. The Council delegated the authority to make certain types of purchases to the Mayor and Department Heads through its purchasing policy; putting trust in the departments to spend money within their budget without direct oversight.

Myth: Mayor Dewey did not follow advertising and bid requirements required by MCA

and Town Ordinance prior to authorizing IT services.

Fact: IT services are exempt from the bidding process. Montana law outlines a process for bidding when dealing with "other than professional, technical, engineering, or legal services." Because IT services are considered "professional" services, this bidding process does not apply to this situation. The Town Ordinance also excludes IT services from the bidding process.

Myth: Managed IT services were not in the Town's budget

Fact: The current budget contains funding for managed IT services across multiple departments and funds. The Council received the Town's proposed budget and spent over 5 months reviewing and modifying it, prior to adopting the current budget, which includes this IT budgetary item.

Myth: The County Attorney approved the recall petition based on the merits of recall, agreeing that there were grounds for recall.

Fact: The County Attorney did not approve the recall petition based on the merits of the recall. The County Attorney only reviews petitions based on formatting. In their review of the petition it was stated: "We did not make any determination as to the validity of any of the allegations; our only determination was whether the form of the petition met the statutory requirements."

Recall FAQs and Facts

What is a recall?

A recall is a process for removing an official from an elected or appointed office. A recall is conducted by calling an election where voters choose whether that official should remain in office for the reasons stated in a petition.

What can an official be recalled for?

According to 2-16-603(3) MCA, physical or mental lack of fitness, incompetence, violation of the oath of office, official misconduct, or conviction of a felony offense are the only grounds for recall.

What are the steps for a recall?

1. A draft petition is provided to the County Clerk & Recorder for approval to form. The Clerk & Recorder reviews the petition for formatting and minimum language requirements. The petition must state in 200 words or less the grounds of recall.
2. If the petition is approved to form, the petition can be circulated for no more than 90 days to collect no less than 20% of the registered voters at the last general election.
3. If enough signatures are gathered, the petition is filed with the Clerk & Recorder for signature verification
4. If the signatures are verified, notice is given to the officer named in the petition. The officer has 10 days to respond with a written statement of 200 words or less to be printed on the ballot giving reasons why the officer should not be recalled.
 - a. If the officer resigns, the resignation must be effective in 72 hours and the vacancy is filled as provided by law.
 - b. If the officer does not resign within 5 days of the petition filing, an election must be held. Voters are asked to choose: "YES recall", or "NO do not recall"

More about the Town's IT Services

What are managed IT services?

Managed IT Services are provided to oversee the information technology infrastructure that the Town heavily relies on to efficiently provide services. These services keep our computers and networks safe and operational. Virus and intruder protection are provided alongside technical support for any issues that may arise. These services also keep the Town in compliance with privacy laws for storing personal information on employees and customers and confidential criminal justice information. These services and associated costs are consistent with other Montana cities and towns.

What are the terms/cost of the agreement that Mayor signed?

The non-binding customer agreement is priced for 3 years of services. The Town has the option to cancel services for any reason at any time within the first 12 months. If cancellation occurs in the following 24 months, an early termination fee (2 months of services) is charged. Services cost \$2,100.00 per month / \$25,200/year. This cost is included in the fiscal year 2020 budget.

Supporting Documents

-  Recall Fact Sheet (171 KB)
-  Recall petition submitted by Leanna Rodabaugh (267 KB)
-  Supporting documents submitted with the recall petition (2 MB)
-  Town of Stevensville Purchasing Policy (124 KB)
-  Information Technology Budget (54 KB)
-  IT Services Details (307 KB)
-  First Call Customer Agreement (2 MB)

Web Links

[Contracts & Purchases Section of Town Code](#)
[Montana Code: Montana Recall Act](#)



Contact Information

MAYOR BRANDON E. DEWEY

Phone: (406) 777-5271

Email: mayor@townofstevensville.com

Address: 206 Buck Street Stevensville MT 59870

[Click here to schedule a meeting with the Mayor](#)

[View Full Contact Details](#)



[Home](#) [Sitemap](#) [Staff Login](#)

206 Buck Street | Stevensville MT 59870 | (406) 777-5271

BRANDON DEWEY

== MAYOR ==

When Success is yours

Warning: A person who knowingly signs a name other than the person's own to this petition, who signs the person's name more than once upon a petition to recall the same officer at one election, or who is not, at the time of signing this petition, a qualified elector of the state of Montana entitled to vote for the successor of the elected officer to be recalled or the successor or successors of the officer or officers who have the authority to appoint a person to the position held by the appointed officer to be recalled is punishable by a fine of no more than \$500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or a fine of \$500 or imprisonment in the state prison for a term not to exceed 10 years, or both.

Recall Petition

To the Honorable Regina Plettenberg, Ravalli County Election Administrator: We, the undersigned qualified electors of the Town of Stevensville, Montana respectfully petition that an election be held as provided by law on the question of whether Brandon E. Dewey, holding the office of Mayor, should be recalled for the following reasons:

Mayor Brandon Dewey on 12-12-19 signed a contract for Services with First Call Computer Solutions totaling \$79,800.00 that had not been authorized by the Stevensville Town Council in accordance with § 7-3-203(7) MCA. The Mayor's action circumvented the requirements of § 7-3-203(7) MCA, § 2-399 thru 403 of the Stevensville Municipal Code (SMC) and the Town of Stevensville Purchasing Policy Section 7.b) and 7.b) ii). The Mayor assumed the Power to Make Contracts, a Power that is assigned to the Stevensville Town Council via § 7-3-203(7), § 7-5-4301, § 7-5-4121(2) MCA and § 2-59 SMC. The Mayor's action resulted in bypassing the competitive bid and contract award process. The Town Council was not allowed to participate in the contract award process and the City Attorney was not afforded the opportunity to review the contract prior to the signing by the mayor per § 7-4-4604(3) MCA. The Mayor's actions resulted in denying Citizens the Right of Participation, Article II, Part II, Section 8, and the Right to Know, Article II, Part II, Section 9 of The Constitution of the State of Montana, thereby violating his Oath of Office.

By his/her signature, each signer certifies: I have personally signed this Petition, I am a qualified elector of the Town of Stevensville, Ravalli County, State of Montana; and my residence and post office address are correctly written after my name.

Signature	Post Office Address	Printed Last Name, First Name
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

Date Start _____ Date Stop _____