



COMMISSIONER OF  
POLITICAL PRACTICES

STATE OF MONTANA

JEFF MANGAN  
COMMISSIONER  
TELEPHONE (406) 444-2942  
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1209 EIGHTH AVENUE  
P.O. BOX 202401  
HELENA, MT 59620-2401

May 8, 2020

Daniel Zolnikov  
2812 2<sup>nd</sup> Street North  
Billings, MT 59101

Subject: Complaint received May 7, 2020: Zolnikov v. O'Donnell, COPP-2020-ETH-002 and Zolnikov v. O'Donnell, COPP-2020-CFP-009

Dear Mr. Zolnikov:

Your complaint alleges violations of both Montana's Code of Ethics and certain campaign finance laws related to Montana elections by Mr. Tony O'Donnell. The portion alleging violations of the Code of Ethics will be considered separately and is provisionally lodged as an Ethics complaint (at this point, as a request for further information) and assigned the number listed above.

Ethics complaints, if accepted for hearing by the Commissioner, are governed by a separate statutory scheme set out at Mont. Code Ann. §2-2-136 and incorporating by reference an informal contested case hearing process as set out in Title 2, Chapter 4, Part 6 of Montana Code Annotated. While Part 6 provides several methods of resolving disputes, the enabling statute for ethics complaints (Mont. Code Ann. §2-2-136(1)(c)) specifies that the "commissioner shall hold an informal contested case hearing on the complaint." This, in turn, triggers those statutes in Part 6 governing the process and conduct of an informal contested case hearing. As complainant, you will be a "party" in these proceedings and, accordingly, you should review the statutes.

The portions of the complaint alleging violations of Montana campaign finance law appear to conform to the requirements of 44.11.106 ARM and will be treated as formal Campaign Finance and Practices complaint. If upon further examination the CFP 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 "J. Mangan".

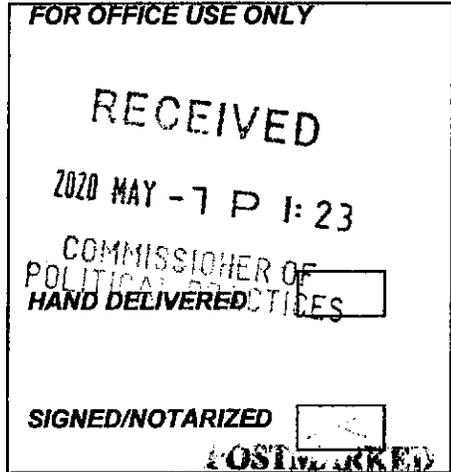
Jeffrey A. Mangan  
Commissioner of Political Practices

THE STATE OF MONTANA

Commissioner of Political Practices 1209 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)



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

MAY 06 2020

Person bringing complaint (Complainant):

Complete Name Daniel Zolnikov
Complete Mailing Address 2812 2nd Street North, #2 Billings, MT 59101
Phone Numbers: Work 4068615210 Home

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

Complete Name Tony O'Donnell
Complete Mailing Address 1812 Sylvia Lane, Billings MT 59105
Phone Numbers: Work 4065983527 Home

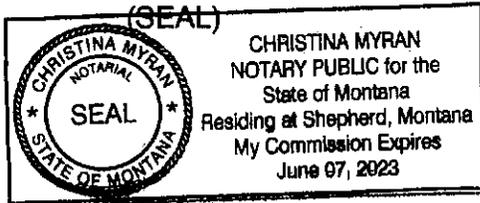
Please complete the second page of this form and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of Yellowstone

I, Daniel Rava Zolnikov, 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 (Handwritten signature)



Subscribed and sworn to before me this 6th day of May, 2020. Christina Myran Notary Public

My Commission Expires: 06/07/2023

**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.

Commissioner Mangan,

I write to file this formal ethics complaint against Commissioner Tony O'Donnell alleging several violations of state law.

The first law that is currently being violated is 2-2-121(3)(a) MCA which states the following:

*(3)(a) Except as provided in subsection (3)(b), a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:*

*(i) authorized by law; or*

*(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.*

Tony O'Donnell utilized his official Public Service Commission office to film campaign videos of his re-election campaign. These videos are now being shared on his campaign website which is available at [www.tonyforpsc.com](http://www.tonyforpsc.com). This is a misuse of a public officials facilities, especially when the clear intent was to record and use this video for a re-election campaign.

Tony O'Donnell is also wrongfully utilizing his official Public Service Commission picture as well as the Public Service Logo for his campaign which was likely paid for by the official Public Service Commission budget. These can be found on his Facebook and his website.

The second law that violated is 13-35-225 MCA what states the following:

*All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication.*

Tony O'Donnell's does not provide the proper attribution on his website, Facebook page, Facebook Ads or YouTube videos. His Facebook can be found at [www.facebook.com/tonyforpsc/](http://www.facebook.com/tonyforpsc/) and his website can be found at [www.tonyforpsc.com/](http://www.tonyforpsc.com/)

The third violation lies within his recent financial reports.

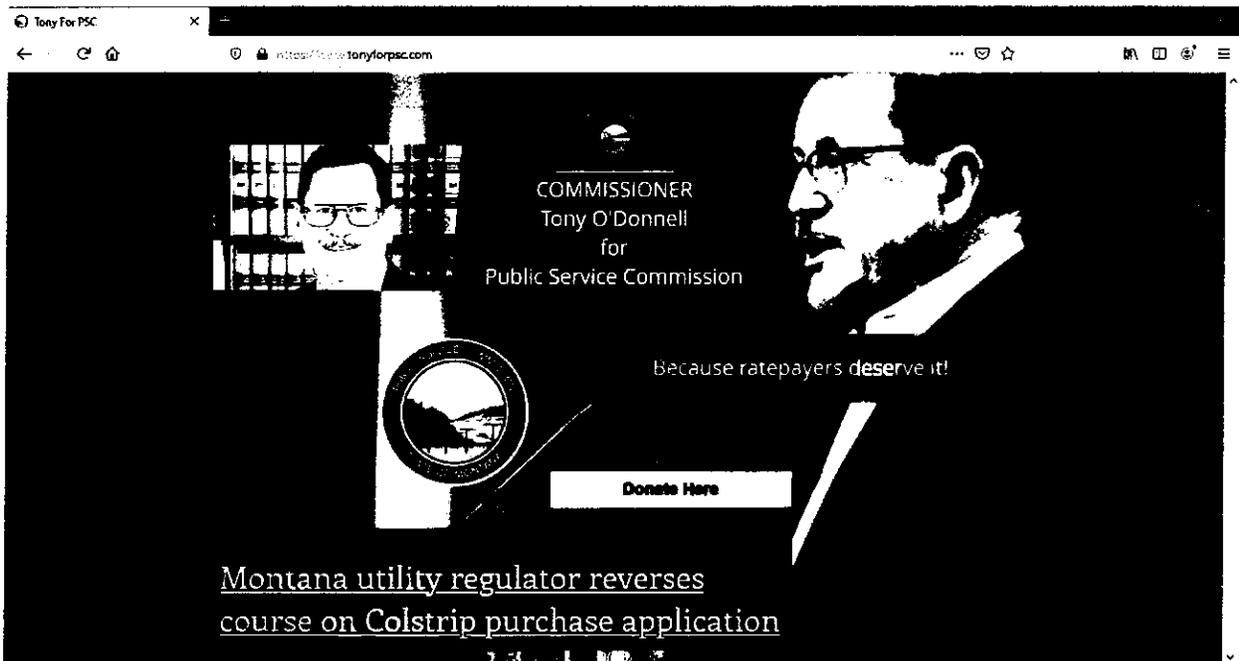
Tony O'Donnell's March 15, 2020 finance report had an unclear expenditure of \$2,562 to 23 Holdings for the purpose of "*design and maintenance of website, mailing preparation, social media*". It does not say how much money went to building a website, how much money is being spent on advertising, what the mailing preparations consist of and what social media is included in these expenses.

Tony O'Donnell's April 15<sup>th</sup>, 2020 finance report expenditure for 23 holdings is unclear. What was spent on Facebook? Was it used for advertising or for creating the page? What were the ads about?

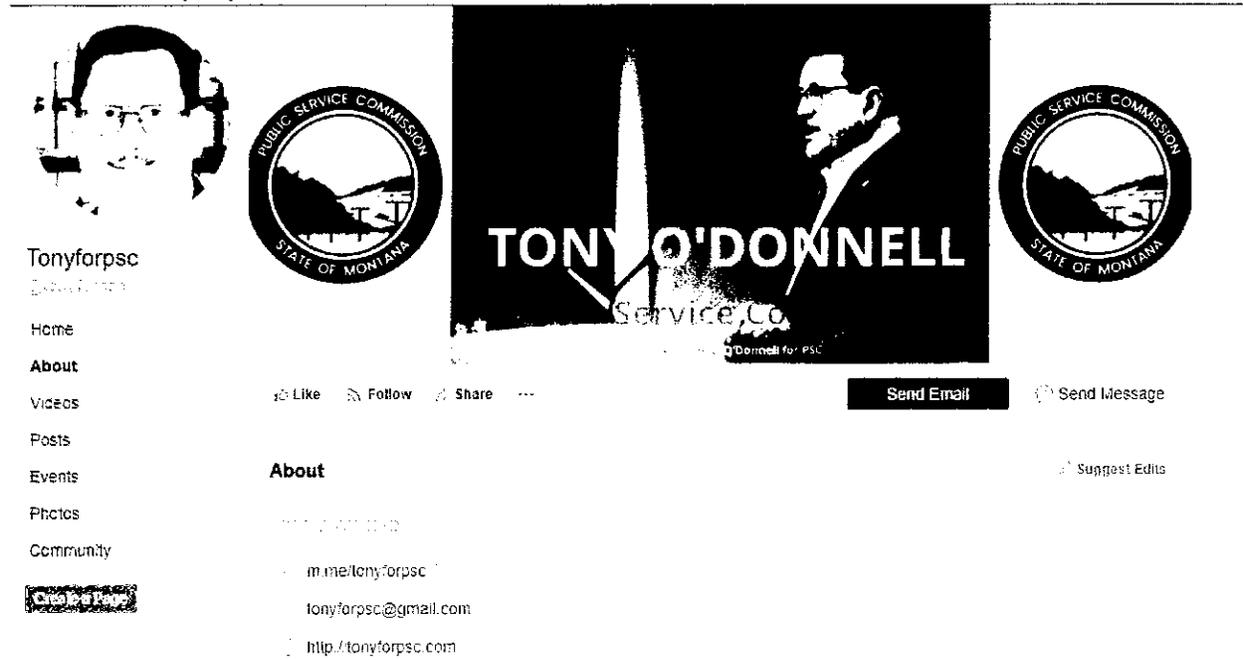
Picture of Campaign Website with video that uses his official Public Service Commission office.



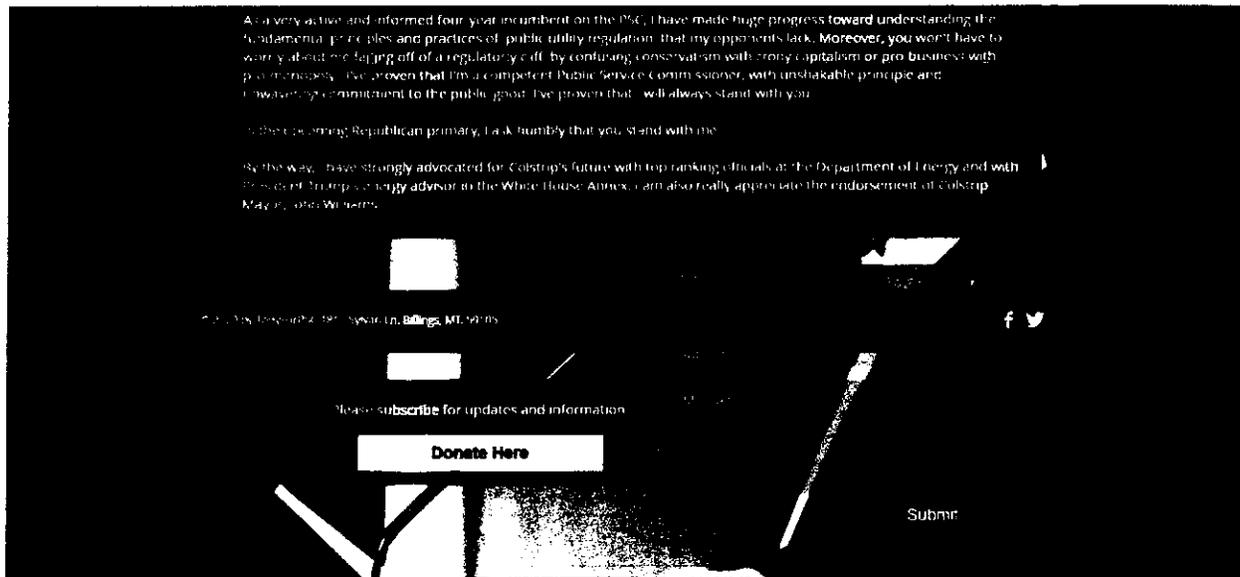
Picture of Campaign Website with Official PSC Picture and Logo.



Picture of Facebook page using Official Public Service Commission picture and logo and without proper attribution.



Picture of Tony O'Donnell's website without proper attribution.



## Picture of Tony O'Donnell's Facebook without proper attribution.

Like Follow Share ...

Send Email Send Message

Suggest Edit

**Tonyforpsc**  
Tony ForPSC

Home About Videos Posts Events Photos Community

About Create Ad Create Page Developers Careers Privacy Cookies Ad Choices Terms Help

Facebook 2020  
Español Français (France) 中文(简体) العربية Português (Brasil) 한국어 Italiano Deutsch 日本語 +

## Tony O'Donnell's March 15<sup>th</sup> Financial Report

https://www.mt.gov/CampaignFinance/View/ViewFinancialReport/View/Report

Campaign Electronic Reporting System Sign In

Dashboard Welcome

Candidate Expenditures

Committee

State of Montana

Entity	Election	Purpose	Platform	Quantity	Subject Matter	Date	Amount
23 Holdings LLC 2680 Overland Ave., Suite F, Billings, MT 59102	Primary	design and maintenance of website, mailing preparation, social media				02/28/2020	\$2,562.00
Valley Federal Credit Union 1445 Main St, Billings, MT 59105	Primary	cost of checks				02/14/2020	\$21.25

Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
O'Donnell, Tony 1810 SYLVAN LN, BILLINGS, MT 59105	Primary	Loan		02/14/2020	\$10,000.00	\$10,000.00

## Tony O'Donnell's April 15<sup>th</sup> Financial Report

Campaign Electronic Reporting System Sign In

Dashboard Welcome

Candidate

Committee

State of Montana

Entity	Election	Purpose	Platform	Quantity	Subject Matter	Date	Amount
23 holdings 2680 Overland Ave Suite F, Billings, MT 59102	Primary	Social Media	Facebook	unknown	vote for tony	04/05/2020	\$800.00
PayPal internet, x, MT 00000	Primary	donation charges	internet	2	contributions	04/15/2020	\$8.43
Sage Advertising 1101 Flouereee St, Helena, MT 59601	Primary	100 signs 32" x 60		100	name ID signs	04/15/2020	\$1,565.00
TransMar 1520 Westwood Dr, Billings, MT 59102	Primary	stationery 1500 letterhead, envelopes, remit envelopes, postage		1500	fundraising letter	04/13/2020	\$1,021.21

Picture of Tony O'Donnell's Facebook Ad without proper attribution.



Tonyforpsc

Connecticut Public Employees' Retirement System

<https://www.tonyforpsc.com/>



View Profile

Send Message

25

17 Comments 9 Shares

Like

Comment

Share

