

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

<p><i>Montanans for Community Development</i> Requestor and Petitioner</p> <p>No. COPP-2013-AO-0001 Converted, in part, to Petition for Declaratory Ruling</p> <p>No. COPP-2013-DR-0001</p>	<p style="text-align: center;">Notice of Refusal to Issue a Declaratory Ruling</p>
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The Commissioner of Political Practices (COPP) hereby issues this Notice of Refusal to issue a Declaratory Ruling. This Notice is issued under the authority and direction of the Administrative Rules of Montana (ARM) 1.3.227 through 1.3.299 and §2-4-501 MCA. A refusal to issue a Declaratory Ruling “...shall be subject to judicial review in the same manner as decisions or orders in contested cases.” §2-4-501 MCA.

Procedural History

On October 18, 2013 and October 30, 2013, the COPP responded to an original and renewed request for an advisory opinion submitted by Montanans

for Community Development (MCD) to the Commissioner of Political Practices. On October 30, 2013, MCD also submitted its Petition for Declaratory Ruling, using the COPP's advisory opinion responses as the basis for the Petition. On November 4, 2013, the COPP issued its "Rejection of Petition for Declaratory Ruling on Procedural Grounds."

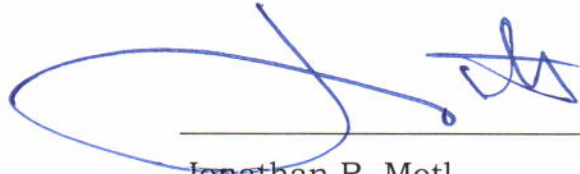
On November 7, 2013, MCD filed a federal court action: *Montanans for Community Development v. Jonathan Motl*, United States District Court for the District of Montana, No. 6:13-cv-0070-CCL. On January 17, 2014, MCD, as the Plaintiff in the above matter, filed a responsive brief wherein it stated: "The COPP argues that the administrative proceedings are 'on going.' This is not the case. The COPP rejected MCD's request for a declaratory ruling and the matter is now closed."

### **Refusal to Issue A Declaratory Ruling**

Given MCD's position that the administration matter is closed, as stated above, the COPP hereby engages the authority of § 2-4-501 MCA and declares that the Office refuses to issue a Declaratory Ruling, incorporating into this refusal the reasons set out in the November 4, 2013 "Rejection of Petition for Declaratory Ruling on Procedural Grounds."

A refusal to issue a declaratory ruling is "subject to judicial review" as defined by Title 2, Chapter 4, Part 7 of the Montana Code. The MCD is hereby notified so that it may assert its rights of appeal.

DATED this 7<sup>th</sup> day of March, 2014.



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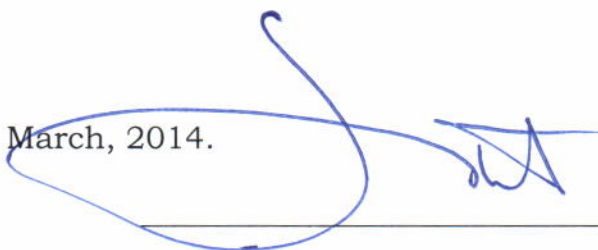
Jonathan R. Motl  
Commissioner of Political Practices  
Of the State of Montana  
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Certificate of Mailing

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the below listed parties by depositing the same in the U. S. mail, postage prepaid, and addressed as follows:

Chris Gallus  
Attorney at Law  
1423 East Otter Road  
Helena, MT 59602

Dated this 7<sup>th</sup> day of March, 2014.



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