

SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jonathan R. Motl, in his official capacity as the Montana Commissioner of Political Practices (hereinafter “the Commissioner”) and the following party: Frank Miller (hereinafter “the Respondent”).

Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana’s campaign finance and practices laws and rules, §§13-37-124 and 13-37-128 Mont. Code Ann. In order to avoid litigation, the Commissioner and the Respondent enter into this agreement to resolve this matter.

1. The Commissioner acknowledges that Lolo resident Mr. Beal filed a Campaign Finance and Practices Complaint against the Respondent for violation of Montana’s campaign finance and practices laws on September 16, 2013.
2. The Commissioner acknowledges that Lolo resident Ms. Hickes filed a Campaign Finance and Practices Complaint against the Respondent for violation of Montana’s campaign finance and practices laws on February 5, 2014.
3. On March 18, 2014 the Commissioner issued a Summary of Facts and Finding of Sufficient Evidence to Show a Violation of Montana’s Campaign Practices Act, the Commissioner’s cause numbers COPP-2013-CFP-0024 and COPP-2014-CFP-0005 (hereinafter “decisions”). The decisions determined that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
4. The Respondent acknowledges that he has read and understands the Commissioner’s decisions issued in the above referenced causes.
5. The Respondent acknowledges the findings of fact contained in the decisions, and admits to having late filed the disclosure of the use of the names “People Against Higher Taxes” and “Overtaxed Property Owners Against Higher Taxes”.
6. The Respondent acknowledges the findings of fact contained in the decisions, and admits to having failed to properly attribute election communications including advertisements and signs.
7. The Commissioner indicated in the decisions that mitigation would be considered and applied to the amount of the fine negotiated between the Commissioner and the Respondent if the Respondent chose to settle the matter with the

Commissioner. The Commissioner has applied the principle of mitigation to his consideration of the amount of the civil fine in this matter.

8. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, together with a payment of a civil fine in the amount of \$750.00 by the Respondent, fully and finally resolves all of the issues as set forth in the decisions.
9. Simultaneously with the return of the executed settlement agreement the Respondent will remit to the Commissioner \$750.00, on a check made out to: "Commissioner of Political Practices" and mailed to the Office of the Commissioner of Political Practices, 1205 8th Avenue, P.O. Box 202401, Helena, Montana, 59620.
10. In consideration of payment of the civil fine referenced above and execution of this settlement agreement by the Respondent, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondent or other persons that may be named or unnamed and based on the matters discussed in the decisions.
11. The Respondent enters into this agreement to avoid litigation and to resolve and settle all disputes with the Commissioner. It is understood and agreed that the payment of the civil fine referenced above and execution of this settlement agreement by the Respondent is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims.
12. The Commissioner and the Respondent fully and forever release and discharge each other and their respective officials, officers, members, employees, successors, assigns, agents, ostensible agents, attorneys, and representatives from any and all actions, claims, causes of action, demands, expenses, damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the matters investigated by the Commissioner and summarized in the decisions.
13. The Commissioner and the Respondent agree that the executed Settlement Agreement is a public document and will be made available to members of the public.

14. This settlement agreement, consisting of 3 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondent. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.



Jonathan R. Motl
Commissioner of Political Practices

6/03/14

Dated



Frank Miller

5/22/14

Dated