

## SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jonathan R. Motl, in his official capacity as the current Montana Commissioner of Political Practices (hereinafter "the Commissioner") and the following party: Gilbert (Butch) Cate, Jr. (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 Mr. DeLorenzo filed a Campaign Finance and Practices Complaint against Mr. Cate for violation of Montana's campaign finance and practices laws on March 13, 2012.
2. On July 15, 2013 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 number COPP-2012-CFP-0013 (hereinafter "the Decision"). The Decision determined that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
3. The Respondent acknowledges that he has read and understands the Commissioner's decision issued in the above referenced cause.
4. The Respondent acknowledges the findings of fact contained in the Decision and admits that he failed to amend his C-1-A to reflect that he was raising and spending money in the election, that he failed to appoint a campaign treasurer, and that he failed to timely file reports and disclosure to the Commissioner of Political Practices Office, his fellow candidates, and to the citizens of Montana, 13-37-201 and 226 Mont. Code Ann.
5. The Respondent further acknowledges and admits to having late filed his campaign finance reports that were due on April 17, May 24, and June 25 of 2012. The Respondent late filed his campaign finance reports more than a year after the complaint was filed against him on March 29 and July 3 of 2013, see §§13-37-225, 226 and 228 – 230 Mont. Code Ann.
6. The Respondent acknowledges that his failure to file campaign reports and disclosures were also a violation of the public trust, and apologizes to his fellow candidates for the County Commissioner District 3 seat in the 2012 election. His

fellow candidates were: Scott Brandos, David M. Brandt, Dawain K. Burgess, Mike Cole, Steve L. Curtiss, Gary R. DeLorenzo, Ginny J. Emerson, Brian L. Linnell and Lori Ramesz.

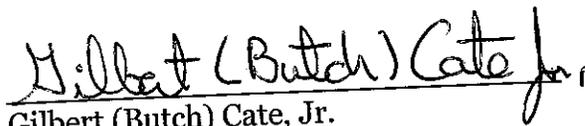
7. The Commissioner indicated in the Decision that mitigation could be considered as a part of settlement in this matter. The mitigation applied to the amount of the civil fine in this matter is based solely on the Respondent's willingness to apologize for his errors as he has done in this settlement agreement.
8. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, and a payment of a civil fine in the amount of \$1,000.00 by the Respondent, fully and finally resolves all of the issues as set forth in the Decision.
9. Simultaneously with the return of the executed settlement agreement the Respondent will remit to the Commissioner \$1,000.00, on a check made out to: "Commissioner of Political Practices" and mailed to the Office of the Commissioner of Political Practices, 1205 8<sup>th</sup> Avenue, P.O. Box 202401, Helena, Montana, 59620.
10. In consideration of payment of the civil fine referenced above, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondent or other persons that may be named or unnamed in the Decision, based on the matters discussed in the Decision.
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 Decision.

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.

  
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Jonathan R. Motl  
Commissioner of Political Practices

12/26/2013  
Dated

  
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Gilbert (Butch) Cate, Jr.

12/26/2013  
Dated