

# COMMISSIONER OF POLITICAL PRACTICES



## STATE OF MONTANA

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COMMISSIONER  
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November 2, 2016

Build Montana aka Build Montana PAC  
% Quinton Nyman  
PO Box 4491  
Helena, MT 59604

Subject: Complaint received October 28, 2016;  
Eaton v Build Montana PAC COPP-2016-  
CFP-042

Dear Mr. Nyman:

I enclose a copy of a complaint alleging violations of Montana's campaign reporting and disclosure laws. The complaint is accepted as conforming to the requirements of 44.10.307(2), ARM, the administrative rule regarding campaign complaints.

The complaint alleges several campaign practice violations including: a failure to properly name and label the political committee; a failure to properly attribute and a failure to list proper detail in reported expenditures.

As you likely know, the COPP complaint docket was cleared of pending complaints on October 27, 2016. This Complaint was one of several that were lodged with the COPP the following day. We are dedicated, where possible, to resolve a Complaint within the election cycle addressed by the Complaint. We have done just that with two Complaints filed after October 27, issuing and posting Decisions on the Complaints within the past two days. We will, however, hold this Complaint and issue a Decision after the election.

In way of explanation, two of the allegations of the complaint (attribution and expense detail) could likely be dealt with quickly, based on the precedent of prior COPP Decisions. The third allegation (the name of the committee), however, may require a degree of original analysis. At a minimum it requires a response from Build Montana. In that sense, it is not fair to rush Build Montana's response since the allegation is based on facts stretching back several months in time. Given both of those factors we are holding off making the Decision on this Complaint until after the election.

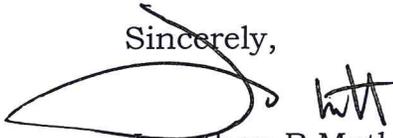
With the above in mind, we hereby set your response date to the allegations in the complaint at November 21, 2016. That should allow

sufficient time following the election for you to prepare a response to this Complaint. If further time is needed please feel free to request an extension.

It is possible that this Office will need to review documents in connection with your response. To facilitate such an investigation, please collect and prepare for possible review any documents relating to the allegations of the complaint (including electronic communication) in your possession or the possession of any of your agents, representatives, attorneys, or assigns. We include, below, a summary of the standard conditions of investigation by the COPP.

If an investigation is conducted, upon its completion a summary of facts and statement of findings will be prepared and a copy will be sent to you. Please feel free to call me if you have any questions or concerns regarding the complaint or the process used to resolve the complaint.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRM', is written over the word 'Sincerely,'.

Jonathan R Motl  
Commissioner of Political Practices

#### Standard Conditions of Investigation

The Commissioner is authorized to inspect records, accounts and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements, or any other records that are relevant or material for the purpose of conducting an investigation (§ 13-37-111, MCA). Your preservation and production of all such documents is essential and required by law.

Upon the completion of investigation a summary of facts and statement of findings will be prepared and a copy will be sent to you. This letter does not foreclose any other options available to the Commissioner to address the issues raised by the Complaint in this matter.

**§ 45-7-207, MCA. Tampering with or fabricating physical evidence.** (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, he:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in such proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in such proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.