

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
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www.politicalpractices.mt.gov

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COMMISSIONER OF
POLITICAL PRACTICES

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Campaign Finance and Practices

Complaint Form (10/09)

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

Person bringing complaint (Complainant):

Complete Name Jake Eaton
Complete Mailing Address PO Box 81274
Billings, MT 59108
Phone Numbers: Work 233-9121 Home _____

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

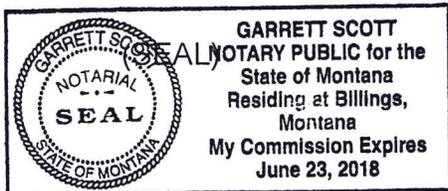
Complete Name Montanans for Experienced Judges/John Heenan
Complete Mailing Address 1631 Zimmerman Trail
Billings, MT 59102
Phone Numbers: Work 809-9091 Home _____

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, Jake Eaton, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 5th day of OCTOBER, 2016.

[Signature]
Notary Public

My Commission Expires:

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 certified mail.

Montanans for Experienced Judges and its Director and treasurer John Heenan have violated MCA 13-37-210 by failing to name and identify itself in its organizational statement using a name or phrase that clearly identifies the economic interest and shared common employer of the majority of its contributors.

These violations are especially troubling since Mr. Heenan is currently serving as legal counsel for the Commissioner of Political Practices in active court proceedings.

MCA 13-37-210 states:

Naming and labeling of political committees. (1) Any political committee filing a certification and organizational statement pursuant to 13-37-201 shall:

(a) name and identify itself in its organizational statement using a name or phrase:

(i) that clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors; and

(ii) if a majority of its contributors share a common employer, that identifies the employer; and

(b) label any media advertisement or other paid public statement it makes or causes to be made in support of or opposition to any candidate or ballot issue by printing or broadcasting its name, as provided under subsection (1)(a), and position in support of or opposition to the candidate or ballot issue as a part of the media advertisement or other paid public statement.

(2) The naming and labeling requirements in subsection (1) are reporting requirements for purposes of enforcement under 13-37-128

Montanans for Experienced Judges filed an amended C-2 Statement of Organization with the Commissioner's office on 8/23/2016 (Exhibit 1). A search of both the electronic filings and the hard copy filings on the CoPP website shows the committee has filed 3 C-6 campaign finance reports covering: 07/18-07/27/2016, 7/28-8/27/2016, 8/28-9/26/2016 (Exhibits 2-4)

1. Violation MCA 13-37-210(A)(i)

The 7/18-7/27/2016 (Exhibit 2) report lists 5 contributors

Montana Trial Lawyers Association Incidental Political Committee - in-kind of \$68.38

Randy Bishop – Attorney at Bishop, Heenan & Davies - \$500

John Heenan - Attorney at Bishop, Heenan & Davies - \$500

Gene Jarussi - Attorney at Bishop, Heenan & Davies - \$500

Wade Larson – videographer, self – in-kind of \$500

4 of the 5 contributors (80%) share a common economic or special interest, they are either themselves attorneys and/or an association of attorneys.

The failure to include any reference to the common economic or special interest of 80% of the committee's contributors in its name is a clear violation of MCA 13-27-210(A)(i) that requires committees to use a name or phrase that identifies the shared economic or special interest of a majority of its contributors.

MCA 13-37-201(B)(2) allows for enforcement under MCA 13-37-128

MCA 13-37-128 States:

Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

Given the fact that John Heenan, the treasurer of Montanans for Experienced Judges, is an attorney and is currently serving as a Special Deputy Attorney General representing the Commissioner of Political Practices, Mr. Heenan must be held to the highest standard in his own personal political activity and the committee should be assessed the maximum fine of \$500 for this violation.

2. Violation MCA 13-37-210(A)(ii)

The 7/18-7/27/2016 (Exhibit 2) report lists 5 contributors:

Montana Trial Lawyers Association Incidental Political Committee - in-kind of \$68.38

Randy Bishop – Attorney at Bishop, Heenan & Davies - \$500

John Heenan - Attorney at Bishop, Heenan & Davies - \$500

Gene Jarussi - Attorney at Bishop, Heenan & Davies - \$500

Wade Larson – videographer, self – in-kind of \$500

3 of the 5 contributors (60%) share a common employer: Bishop, Heenan & Davies.

The failure to include a reference to the common employer of 60% of the committee's contributors in its name is a clear violation of MCA 13-27-210(A)(ii) that requires committees to use a name or phrase that identifies the employer if the majority of its contributors share a common employer.

MCA 13-37-201(B)(2) allows for enforcement under MCA 13-37-128

MCA 13-37-128 States:

Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

Again given the fact that John Heenan, the treasurer of Montanans for Experienced Judges, is an attorney and is currently serving as a Special Deputy Attorney General representing the Commissioner of Political Practices, Mr. Heenan must be held to the highest standard in his own personal political activity and the committee should be assessed the maximum fine of \$500 for this violation.

3. Violation MCA 13-37-210(A)(i)

The 7/28-8/27/2016 (Exhibit 3) report lists 5 contributors

Montana Trial Lawyers Association Incidental Political Committee - in-kinds of \$31.47

Montanans for Liberty and justice - \$1,000

Randy Bishop – Attorney at Bishop, Heenan & Davies - \$100

Gene Jarussi - Attorney at Bishop, Heenan & Davies - \$100

Shane Colton – Attorney at Edmiston & Colton Law firm - \$500

5 of the 5 contributors (100%) share a common economic or special interest, they are either themselves attorneys and/or an association of attorneys and/or an Independent Political Committee controlled by attorneys.

The failure to include any reference to the common economic or special interest of 100% of the committee's contributors in its name is a clear violation of MCA 13-27-210(A)(i) that requires committees to use a name or phrase that identifies the shared economic or special interest of a majority of its contributors.

MCA 13-37-201(B)(2) allows for enforcement under MCA 13-37-128

MCA 13-37-128 States:

Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

Once again, given Mr. Heenan's close relationship with the CoPP office and his status as a Special Deputy Attorney General representing the Commissioner of Political Practices, Mr. Heenan must be held to the highest standard in his own personal political activity and the committee should be assessed the maximum fine of \$500 for this violation.

4. Violation MCA 13-37-210(A)(i)

The 8/28-9/26/2016 (Exhibit 4) report lists 1 contributor

Montana Trial Lawyers Association Incidental Political Committee - in-kinds of \$49.26

With only one contributor there is no doubt of its common economic or special interest as an association of attorneys. The failure to include an reference to the common economic or special interest of the committees single contributor in its name is a clear violation of MCA 13-27-210(A)(ii) that requires committees to use a name or phrase that identifies shared economic or special interest of a majority of its contributors.

MCA 13-37-201(B)(2) allows for enforcement under MCA 13-37-128

MCA 13-37-128 States:

Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

Mr. Heenan is one of the only attorney's in recent history to take a Montana Political Practices prosecution to a jury trial. Given that experience one would presume he would have at least a basic understanding of and respect for Montana's campaign reporting requirements. Yet this pattern of violations reveals an either ignorance of or, worse yet, a blatant disregard for Montana's rules on campaign activity. Either of those is quite troubling given Mr. Heenan's close association with this Commissioner of Political Practices and his status as a Special Deputy Attorney General actively representing the CoPP office in legal proceedings.

I would hope that the Commissioner will use this opportunity to send a clear message to all of those involved in Montana political activity, that no one, even those with a close personal and/or professional relationship with the Commissioner, is above the law and impose the maximum total fine of \$2,000 for these four separate violations.

Exhibit 1

Statement of Organization (C2)

Committee Information

Committee Name: Montanans for Experienced Judges
Mailing Address: 1631 Zimmerman Trail Billings, MT 59102
Physical Address:
Committee Type: Independent
Incorporated: N
Received Date: 07/18/2016
Current Status: Amended
Amended Date: 08/23/2016

Committee Treasurer Information

Treasurer Full Name: John, Heenan
Mailing Address: 1631 Zimmerman Trail Billings, MT 59102
Physical Address:
Home Phone: (406) 839-9091
Alternate Phone:
Home or Personal Email Address: john@bishopandheenan.com

Deputy Treasurer Information

Deputy Treasurer Full Name: Mary, Taylor
Mailing Address: 32 S. Ewing St., #306 Helena, MT 59601
Physical Address:
Home Phone: (406) 443-3124
Alternate Phone:
Home or Personal Email Address: mtl@mt.net

Deputy Treasurer Full Name: Taylor, Mary
Mailing Address: 32 S. Ewing, #306 Helena, MT 59601
Physical Address:
Home Phone: (406) 443-3124
Alternate Phone:
Home or Personal Email Address: mtl@mt.net

Committee Account Information

Primary Bank: US Bank
Primary Address: 303 North Broadway Billings, MT 59115
Secondary Bank:
Secondary Address:

Additional Officer Information

Purpose of Committee and/or Name(s) of Candidate(s) or Ballot Issue(s)

Ballot Code	Position	Issue Status
Dirk Sandefur - Supreme Court	Support	Support
Elect Experienced Judges	Support	On ballot

Exhibit 2

Committee Finance Report (C-6)

Committee Information

Date Filed: 07/18/2016

Original Filing for: 07/18/2016 - 07/27/2016

Report Type: Initial

Receive and File Date: 07/29/2016

Report Status: Filed

Montanans for Experienced Judges
1631 Zimmerman Trail Billings, MT 59102

Committee Type: Independent

Treasurer:

John, Heenan
1631 Zimmerman Trail Billings, MT 59102

Bank Information:

US Bank
303 North Broadway Billings, MT 59115

Summary Report

Cash Summary: Money Received and Spent

1. Cash in Bank - Balance from previous report		\$0.00
2. Receipts - Total Received and deposited this period	+	\$1,500.00
	Subtotal	\$1,500.00
3. Expenditures - Total paid out this period	-	\$370.00
4. Cash in Bank - Ending Balance this report		\$1,130.00

Loans

Entity	Occupation/ Employer	Election	Date	In-Kind Description	Value	Cash/Check Amount	Total to Date
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Fundraisers

Entity	Election	Purpose	Date	In-Kind Description	Value	Cash/Check Amount	Total to Date
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Committee Contributions

Entity	Committee Type	Election	Date	In-Kind Description	Value	Cash/Check Amount	Total to Date
Montana Trial Lawyers Association PO Box 838, Helena, MT 59624	Incidental Committee Contributions	General	07/27/2016	In-kind donation of services of Al Smith for professional services: 1.25 hrs. @ \$54.70	\$68.38	\$0.00	\$0.00(P) \$68.38(G)

Individual Contributors (Total Contributions < \$35: \$0.00) (Primary Contributions < \$35: \$0.00) (General Contributions < \$35: \$0.00)

Entity	Occupation/ Employer	Election	Description	In-Kind Value	Cash/Check Amount	Total to Date
Bishop, Randy 1631 Zimmerman Trail, Suite 1, Billings, MT 59102	Attorney Bishop Heenan & Davies	General		\$0.00	\$500.00	\$0.00(P) \$500.00(G)
Heenan, John C 1631 Zimmerman Trail, Suite 1, Billings, MT 59102	Attorney Bishop Heenan & Davies	General		\$0.00	\$500.00	\$0.00(P) \$500.00(G)
Jarussi, Gene 1631 Zimmerman Trail, Billings, MT 59102	Attorney Bishop Heenan & Davies	General		\$0.00	\$500.00	\$0.00(P) \$500.00(G)
		General		\$500.00	\$0.00	\$0.00(P)

Entity	Occupation/ Employer	Election	In-Kind Description	Value	Cash/Check Amount	Total to Date
Larson, Wade Wicks Lane, Billings, MT 59105	Videographer self		Prepare Online Video			\$500.00(G)

Expenditures: Pettv Cash

Election	Purpose	Date	Amount
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Expenditures: Other

Entity	Election	Electioneerin g Communicati on	Purpose	Date	Amount
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Expenditures: Independent

Entity	Election	Electioneerin g Communicati on	Purpose	Candidate/Iss ue	Date	Amount
Facebook 1601 Willow Rd, Menlo Park, CA 94025	General	Yes	Advertising	Dirk Sandefur	07/27/2016	\$170.00
Google Adwords 1600 Amphitheatre Parkway, Mountain View, CA 94043	General	Yes	Advertising	Dirk Sandefur	07/27/2016	\$200.00

Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
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Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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Exhibit 3

Committee Finance Report (C-6)

Committee Information

Date Filed: 07/18/2016

Original Filing for: 07/28/2016 - 08/27/2016

Report Type: Periodic

Receive and File Date: 09/01/2016

Report Status: Filed

Montanans for Experienced Judges
1631 Zimmerman Trail Billings, MT 59102

Committee Type: Independent

Treasurer:
John, Heenan
1631 Zimmerman Trail Billings, MT 59102

Bank Information:
US Bank
303 North Broadway Billings, MT 59115

Summary Report

Cash Summary: Money Received and Spent

1. Cash in Bank - Balance from previous report		\$1,130.00
2. Receipts - Total Received and deposited this period	+	\$1,700.00
	Subtotal	\$2,830.00
3. Expenditures - Total paid out this period	-	\$1,750.00
4. Cash in Bank - Ending Balance this report		\$1,080.00

Loans

Entity	Occupation/ Employer	Election	Date	Description	In-Kind	Value
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Fundraisers

Entity	Election	Purpose	Date	Description	In-Kind	Value
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Committee Contributions

Entity	Committee Type	Election	Date	Description	In-Kind	Value
Montana Trial Lawyers Association PO Box 838, Helena, MT 59624	Incidental Committee Contributions	General	08/27/2016	In kind donation of general office services of Mary Taylor - .5 hours @ \$35.58/hr		\$17.79
Montana Trial Lawyers Association PO Box 838, Helena, MT 59624	Incidental Committee Contributions	General	08/26/2016	In-kind donation of services of Al Smith for professional services: .25 hrs. @ \$54.70		\$13.68
Montanans for Liberty and Justice 32 S. Ewing, #304, Helena, MT 59601	Independent Committee Contributions	General	08/22/2016	Contribution		\$0.00

Individual Contributors (Total Contributions < \$35: \$0.00) (Primary Contributions < \$35: \$0.00) (General Contributions < \$35: \$0.00)

Entity	Occupation/ Employer	Election	Description	In-Kind	Value
Bishop, Randy 1631 Zimmerman Trail, Suite 1, Billings, MT 59102	Attorney Bishop Heenan & Davies	General			\$0.00
Colton, Shane 310 Grand Avenue, Billings, MT 59101	Attorney Edmiston & Colton Law Firm	General			\$0.00
Jaruss, Gene 1631 Zimmerman Trail, Billings, MT 59102	Attorney Bishop Heenan & Davies	General			\$0.00

Expenditures: Petty Cash

Election	Purpose	Date
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Expenditures: Other

Entity	Election	Electioneering Communication	Purpose	Date
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Expenditures: Independent

Entity	Election	Electioneering Communication	Purpose	Candidate/Issue
Larson, Wade Wicks Lane, Billings, MT 59105	General	Yes	Videography	Sandefur

Debts

Entity	Election	Type	Purpose	Date
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Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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Exhibit 4

Committee Finance Report (C-6)

Committee Information

Date Filed: 07/18/2016

Original Filing for: 08/28/2016 - 09/26/2016

Report Type: Periodic

Receive and File Date: 10/03/2016

Report Status: Filed

Montanans for Experienced Judges
1631 Zimmerman Trail Billings, MT 59102

Committee Type: Independent

Treasurer:

John, Heenan
1631 Zimmerman Trail Billings, MT 59102

Bank Information:

US Bank
303 North Broadway Billings, MT 59115

Summary Report

Cash Summary: Money Received and Spent

1. Cash in Bank - Balance from previous report		\$1,080.00
2. Receipts - Total Received and deposited this period	+	\$0.00
	Subtotal	\$1,080.00
3. Expenditures - Total paid out this period	-	\$0.00
4. Cash in Bank - Ending Balance this report		\$1,080.00

Loans

Entity	Occupation/		Election	Date	In-Kind Description	Cash/Check		Total to Date
	Employer					Value	Amount	

Fundraisers

Entity	Election	Purpose	Date	In-Kind Description	Cash/Check		Total to Date
					Value	Amount	

Committee Contributions

Entity	Committee Type	Election	Date	In-Kind Description	Cash/Check		Total to Date
					Value	Amount	
Montana Trial Lawyers Association PO Box 838, Helena, MT 59624	Incidental Committee Contributions	General	09/26/2016	n-kind donation of services of Al Smith for professional services: .25 hrs. @ \$54.70	\$13.68	\$0.00	\$0.00(P) \$152.11(G)
Montana Trial Lawyers Association PO Box 838, Helena, MT 59624	Incidental Committee Contributions	General	09/26/2016	In kind donation of general office services of Mary Taylor - 1 hours @ \$35.58/hr	\$38.58	\$0.00	\$0.00(P) \$152.11(G)

Individual Contributors (Total Contributions < \$35: \$0.00) (Primary Contributions < \$35: \$0.00) (General Contributions < \$35: \$0.00)

Entity	Occupation/ Employer	Election	In-Kind Description	Value	Cash/Check Amount	Total to Date
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Expenditures: Petty Cash

Election	Purpose	Date	Amount
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Expenditures: Other

Entity	Election	Electioneeri ng Communica tion	Purpose	Date	Amount
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Expenditures: Independent

Entity	Election	Electioneeri ng Communica tion	Purpose	Candidate/I ssue	Date	Amount
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Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
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Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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