

Commissioner of Political Practices  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
Phone: 406-444-2942  
Fax : 406-444-1643  
www.politicalpractices.mt.gov

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2014 MAY 30 A 9:33

HAND DELIVERED  **COMMISSIONER OF POLITICAL PRACTICES**  
CERTIFIED MAIL   
SIGNED/NOTARIZED

### 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 JOHN FLETCHER

Complete Mailing Address 655 EVANS AVE.  
MISSOULA, MT 59801

Phone Numbers: Work \_\_\_\_\_ Home 721-4269

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

Complete Name KIRSTEN PABST | MONTANAINS FOR VERACITY  
DIVERSITY AND WORK

Complete Mailing Address 257 W FRONT ST, SUITE A | 257 W. FRONT ST. SUITE A  
MISSOULA, MT 59802 | MISSOULA, MT 59802

Phone Numbers: Work \_\_\_\_\_ 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 MISSOULA

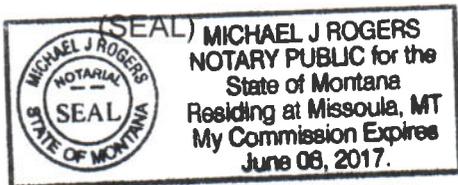
I, JOHN FLETCHER, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

John Fletcher

Signature of Complainant

Subscribed and sworn to before me this 29 day of May, 2014.

[Signature]  
Notary Public



My Commission Expires: 6-8-17

**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 COVER LETTER)

**Complaints must be:**

- signed
- notarized
- delivered in person or by certified mail.

**JOHN FLETCHER**  
**655 Evans Ave.**  
**Missoula, MT 59801**  
**(406) 721-4269**  
*fletcher@montana.com*

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2014 MAY 30 A 9:12  
COMMISSIONER OF  
POLITICAL PRACTICES

May 28, 2014

Jonathon Motl, Commissioner,  
Office of the Commissioner of Political Practices  
PO Box 202401  
Helena, MT 59620-2401

COMPLAINT

against two Respondents:

- **Montanans for Veracity, Diversity and Work**, an Independent Political Action Committee (PAC)
- **Kirsten H. Pabst**, a Candidate for Public Office (Missoula County Attorney)

Please accept this coverletter as an integral part of a formal **Complaint** and a request that your Office initiate an **Investigation** into whether there may be coordination and/or collusion between a candidate campaign and an independent Political Action Committee.

Any such coordination and/or collusion would violate parts of:

*ARM 44.10.321*, which regulates **Contributions**,  
*ARM 44.10.323*, which regulates **Expenditures**,  
*ARM 44.10.327(2)(b)*, which defines and regulates an **Independent Political Committee**,  
*MCA 13-35-207*, which regulates **Deceptive Election Practices**, and  
*OCPP Form C-3*, the **Code of Fair Campaign Practices**.

The principal agent for the coordination and/or collusion alleged in this Complaint appears to be David Paoli, an attorney in the firm of Paoli Kutzman, P.C., who is engaged in closely advising and aggressively fundraising in both the PAC and the candidate's campaign.

Facts:

1. **Montanans for Veracity, Diversity and Work** submitted a *Form C-2*, showing:
  - (a) a mailing address of PO Box 8131, Missoula, MT 59807
  - (b) a street address of 257 W. Front St., Suite A. Missoula, MT 59802
2. **Paoli Kutzman, P.C.** presents with a website (<http://www.paoli-law.com>) showing:
  - (a) a mailing address of PO Box 8131, Missoula, MT 59807
  - (b) a street address of 257 W. Front St., Suite A. Missoula, MT 59802
3. **Pabst Law Office** presents with a website (<http://www.pabstlaw.net/>) showing:
  - (a) a street address of 257 W. Front St., Suite A. Missoula, MT 59802 (and no separate mailing address)
4. **Paoli Kutzman, P.C.** has a page (<http://www.paoli-law.com/category/criminal-law/>) on its website which leads with a quotation from **Kirsten Pabst**, referring to her as "our co-counsel Kirsten Pabst" and is linked to <http://www.pabstlaw.net/Blog.html>.

[Enclosed with this Complaint is a packet of **Documents** which include (numbered) hardcopies printed from the four references cited above.]

The Pabst campaign submitted, in a timely manner, a Form C-5 covering the period 11/22/13 to 5/17/14. The PAC—by delaying reporting its existence in a Form C-2 until after the preliminary reporting period—has not disclosed details of its receipts and expenditures. Accurate information of coordination between the named Respondents must await your office’s examination of reports which may not be submitted until late next month. However, **because the preponderance of the evidence available at this date strongly suggests the likelihood of coordination and/or collusion** between the two Respondents, co-located in the same office suite, I respectfully request that your office accept this **Complaint** and initiate an **Investigation**.

Ms. Pabst is running for Missoula County Attorney, an office which holds—and requires—significant public trust. While this sentiment is not supported in statute, I feel candidates for this position should be held to a higher standard in understanding and complying with our state’s campaign practices. Indeed, the Office of the Commissioner of Political Practices routinely refers violations to County Attorneys for appropriate prosecution. For this reason, I request your Office give this Complaint its full consideration.

Please feel free to contact me if it’s thought I might provide further information. In turn, I may supplement this Complaint with further information as the electoral process continues. Meanwhile, I’m grateful for your time and attention in this matter.

Sincerely,



John Fletcher

[full disclosure: I have been engaged in local politics for several decades. I have submitted reports to OCPP since the 1980s. My name has appeared on ballots in five local elections. I am currently actively supporting the campaign of Josh Van de Wetering, an opponent of Ms. Pabst for the office of Missoula County Attorney; in this regard, as a volunteer, I have made GOTV calls in a phonebank, I have composed and submitted campaign finance reports to OCPP, I have walked my neighborhood distributing campaign literature, and I have planted a yardsign in our front yard. However, my predominant motive in filing this Complaint is an abiding concern for the dignity and efficacy of Montana’s elections.]

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES  
1205 Eighth Avenue  
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POLITICAL PRACTICES

FORM C-2 (Revised 06/03)  
STATEMENT OF ORGANIZATION

TO BE FILED BY (Check One):

- POLITICAL ACTION COMMITTEE
- POLITICAL PARTY COMMITTEE
- BALLOT ISSUE COMMITTEE
- INCIDENTAL COMMITTEE
- OTHER

→ FACT #1 ←

ORIGINAL FILING  AMENDED FILING

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR CERTIFICATION SIGNATURE

FULL NAME OF COMMITTEE (Refer to Montana Code Annotated § 13-37-210, Naming and Labeling Statute)

Montanans for Veracity, Diversity and Work

COMPLETE MAILING ADDRESS PO Box 8131, Missoula, MT 59807

COMPLETE STREET ADDRESS 257 W. Front St., Ste A, Missoula, MT 59802

Incorporated: (Check one)  YES  NO

FULL NAME OF COMMITTEE TREASURER J. Michael Barrett

COMPLETE MAILING ADDRESS P.O. Box 7526

COMPLETE STREET ADDRESS 6155 WILCOX RD, Missoula, MT 59802

E-Mail Address (Please Print) FRONT STREET MTC@AOL.COM Home Telephone Number 406/544-2727 Work Telephone Number n/a Facsimile Number n/a

FULL NAME OF DEPUTY TREASURER(S), if any \*

COMPLETE MAILING ADDRESS

COMPLETE STREET ADDRESS

E-Mail Address (Please Print) Home Telephone Number Work Telephone Number Facsimile Number \* attach list if necessary

COMMITTEE ACCOUNT INFORMATION

FULL NAME OF BANK First Security Bank

COMPLETE ADDRESS PO Box 4506, Missoula, MT 59806

SECONDARY COMMITTEE ACCOUNT(S) INFORMATION, if any (attach list if necessary)

FULL NAME OF BANK

COMPLETE ADDRESS



→ RE FACT # 2 ←



# Paoli Kutzman, P.C.

Trial Lawyers For Working  
People and Small Businesses in  
the Mountain West

Attorneys and Staff

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Railroad Whistleblower –  
Retaliation Claims

Personal Injury

Wrongful Death

Medical Malpractice

Insurance Disputes

Car Accidents and Other  
Motor Vehicle Collisions

Defective Products

Employment Disputes

Criminal Defense

Verdicts and Settlements

Public Interest Litigation

Our Blog

**P.O. Box 8131  
257 W. Front, Suite A  
Missoula, MT 59801  
406.542.3330**

## RECENT POSTS

OSHA Orders Reinstatement  
of Fired Greybull, WY BNSF  
Conductor

## TRIAL LAWYERS FOR WORKING PEOPLE AND SMALL BUSINESSES

Paoli

Kutzman, P.C. is a law firm in Missoula and Great Falls, Montana. We represent working people and small businesses. David Paoli of our firm is one of the United Transportation Union's Designated Legal Counsel. Our practice is statewide. We handle injury and many other kinds of cases on a contingent fee (no recovery, no fee) basis.

In a recent closing argument, David explained our firm's view of justice to the jury as follows:

*We started this trial at the Holiday Inn ballroom. And now we're here in this glorious courtroom. And the point that I want to make is, it doesn't matter the venue where justice is finally determined. It's you folks that determine justice. During this trial I have had the occasion to look at the mural behind the judge. Freedom, equality and justice. And those virtues, I know, are very dear to all of us. And I don't know if the metaphor will be apt because I don't want to demean those great virtues. But it's as if they are a three-legged stool. And without one the stool doesn't stand.*

*But now, we're at justice. We can't be free unless we're equal. We can't have justice unless we're free. They're interdependent. But now we're here with justice. And I have heard a lot, and we all have, about preserving our freedom. And if it's good enough to fight for, then we should fight for it. And we should do everything that we can do to fight for it . . . .*

*With justice, I have now learned you have to fight for it. You have to fight for it just as hard as you fight for freedom. You have to fight for it because professionals won't do their job to do the investigation they are duty bound to do. . . . No. Justice needs to be fought for. The truth needs to be fought for. The truth does not require an explanation. . . . The truth is not equivocal. The truth is not misunderstood. The truth does not need to be rehearsed. And the truth cannot be*

→ **FACT #3** ←

# Pabst Law Office

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**Pabst Law Office, PC**  
257 West Front Street, Suite A, Missoula, MT 59802

Welcome to the Pabst Law Office, where we understand that good people can unexpectedly find themselves in stressful legal situations that impact them, their families and work environment. Let us listen to your concerns, present your options and take the mystery out of your legal situation.



FACT #4



# Paoli Kutzman, P.C.

Trial Lawyers For Working People and Small Businesses in the Mountain West

Attorneys and Staff

Contact

FELA / Railroad Claims

Railroad Whistleblower – Retaliation Claims

Personal Injury

Wrongful Death

Medical Malpractice

Insurance Disputes

Car Accidents and Other Motor Vehicle Collisions

Defective Products

Employment Disputes

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Verdicts and Settlements

Public Interest Litigation

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## RECENT POSTS

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Blizzard Conditions Don't Excuse Bad Driving

Interstate 90 – High Crash Corridor in Mineral County, Montana

Free Safer Bus App

Consider Your Own Internet Footprint

## CRIMINAL LAW ARCHIVES - PAOLI KUTZMAN, P.C.

### WHICH RIGHT WOULD YOU SACRIFICE?

MARCH 22ND, 2013

Our co-counsel Kirsten Pabst lays it out:

*Which right would you give up to end violence against women and children? Having experienced the reeling effects of violence personally and witnessed unimaginable pain in victims of sexual and violent abuse over the course of 18 years as a prosecutor, I have given the topic much thought. And now, after defending a young man whom I believe to have been falsely accused and invoking his right to trial by jury of his peers, the question has become very personal. For defending my client against a charge with a potential sentence of life imprisonment, I have been demonized by former colleagues, ostracized by the women's rights groups I joined decades ago, expelled from collaborative teams designed to make the process more responsive and efficient, and unfriended by those who claim to care about justice.*

<http://www.pabstlaw.net/Blog.html>

Like 0

READ MORE →

### WILLIAMS' COMMENT JEOPARDIZED A FAIR TRIAL.

MARCH 17TH, 2013



David Paoli's March 17, 2013 guest column in the Missoulian:

*Pat Williams is a friend of mine. So, he will understand my advice.*

*Williams earned my respect and support for more than three decades. Sadly, that respect ended last month when he spoke, again, to a New York Times reporter. Williams abused his position as a regent to ignorantly blast University of Montana student-athletes, seriously jeopardized a young man's fair*

*trial.*

*Williams gave a New York Times reporter red meat quotes about the university recruiting "thugs" to its football team and that the "thuggery" had to stop. When he was roundly criticized for his bombastic statements, he wrote a guest opinion to explain himself. Pat, when you are explaining, you're losing. Now, his refusal to recognize his poor judgment is astounding. Given his years of experience and titles, Williams should have quickly apologized, not defended himself as a "straight talker" speaking "purposefully blunt." Montanans are a forgiving bunch. Montanans apologize when they are wrong.*

....

*Williams is not a racist. However, his use of the racial epithets "thugs" and "thuggery" are racist. Anyone who has lived in D.C. or Seattle or Berkeley or anywhere else knows very clearly that the use of these words have serious and hurtful racial overtones. The use of these racial slurs requires an apology.*

*No, Pat, Montanans don't expect their "straight talk" to be found in a New York Times story. We want serious people who will devise a plan of action. We want our representatives to have all the facts before they speak*

### CATEGORIES

- Campaign Finance
- Consumer Protection
- Corporate Regulation
- Criminal Defense
- Criminal Law
- Defective Products
- Employment
- FELA/Railroad Claims
- Highway Safety
- Injury and Wrongful Death
- Insurance
- Insurance Disputes
- Legal System
- Montana
- Public Health
- Public Interest Litigation
- Railroading
- Retaliation
- Uncategorized
- Vehicle Safety
- Whistleblower

*to the press. You work to solve nothing when you give incendiary quotes to the New York Times or any other media outlet.*

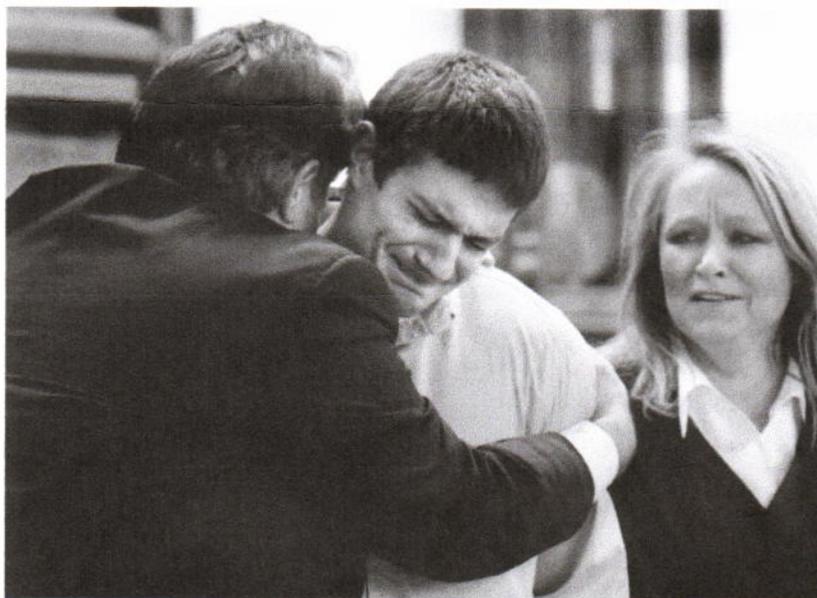
#### Williams' comment jeopardized a fair trial

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## JORDAN JOHNSON FOUND INNOCENT.

MARCH 2ND, 2013



*Photo by Kurt Wilson of the Missoulian.*

David Paoli of our firm (left), congratulates Jordan Johnson after hearing the verdict as co-counsel Kirsten Pabst (right) looks on. Following a two-week trial, the jury deliberated for about two hours before unanimously finding Mr. Johnson innocent of the charge.

Like 1

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