

THE STATE OF MONTANA

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

Campaign Finance and Practices

Complaint Form (10/09)

FOR OFFICE USE ONLY

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

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

Person bringing complaint (Complainant):

Complete Name

Bernard J. Harrington

Complete Mailing Address

4033 Palisades Park Dr  
Billings, MT 59106

Phone Numbers:

Work

(406) 653-9199

Home

(406) 656-6556

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

Complete Name

NeighborWorks Montana

Complete Mailing Address

509 1st Ave. So.  
Great Falls, MT 59401

Phone Numbers:

Work

(406) 761-5061

Home

(406) 868-7933

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 Lewis & Clark County

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

(SEAL)

Bernard J. Harrington  
Signature of Complainant

Subscribed and sworn to before me this 27<sup>th</sup> day of May, 2010.

Mona Berger  
Notary Public

My Commission Expires:



Attachment to Complaint against NeighborWorks Montana.

NeighborWorks Montana is in violation of Mont. Code Ann. § 13-37-225 for failing to include the required “paid for by” disclaimer on its internet publications regarding its involvement in the I-164 400% Interest is Too High Campaign. Please see the attached printouts of NeighborWorks Montana’s webpages showing links to election material absent the statutorily required disclosure. Please also note the first attachment is dated March 18, 2010, and the second attachment is dated May 5, 2010. Each day that these election materials have been available on the internet, advocating support of the ballot issue constitutes a separate violation of Montana’s Elections and Campaign Practices chapter. NeighborWorks Montana may claim that its coverage constitutes an exception to the statutory definition of “contribution”; however, that claim is misplaced because the bona fide news story exception to the definition of “contribution” requires that the story be “distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation.” Mont. Code Ann. § 13-1-101(7)(b)(ii). Certainly, this website is not a newspaper, magazine or periodical of general circulation. The link on the homepage connects the user to an article about the initiative, but the linked webpage is also not a newspaper, magazine or other periodical of general circulation.

As evidenced by press coverage and the length of time that the proponents have been publicly promoting this ballot issue, complainant is under the belief and therefore alleges that if investigation of NeighborWorks Montana took place, one would find unreported resources have been utilized in support of the ballot issue. The dates on the attached webpage printouts show that NeighborWorks Montana is also in violation of Mont. Code Ann. §§ 13-37-229; 13-37-230 and ARM 44.10.411, which require reporting of all contributions to a ballot issue and all expenditures made on behalf of a ballot issue. Although NeighborWorks Montana’s C-4 Incidental Committee Finance Report filed on May 10, 2010 includes a \$5,000 earmarked in-kind contribution to the 400% Interest is Too High – Cap the Rate ballot committee, the primary ballot committee has failed to report this contribution. Further, in-kind expenditures must be reported on the day that the expenditure is made, and the filed C-4 reports do not comply with this timing requirement. ARM 44.10.323. See generally In the Matter of the Complaint Against the Montana Chamber of Commerce Regarding Its Activities In Opposition to I-121 And I-125, decided June 2000, regarding failure to timely report in-kind contributions and expenditures.

NeighborWorks Montana filed its C-2 Statement of Organization on April 29, 2010. C-2’s are required by Mont. Code Ann. § 13-37-201 to be filed within 5 days of making “an expenditure or authorize[ing] another person to make an expenditure on its behalf, whichever occurs first.” The date on the website acknowledging support of the ballot issue is March 18, 2010. Clearly the date the C-2 was filed is past 5 days from the first expense NeighborWorks Montana incurred if it was publishing information on its website on March 18, 2010. It is quite possible and highly likely that NeighborWorks Montana incurred expenses in support of the ballot issue prior to March 18, 2010. This failure to timely file the C-2 is a violation of Montana’s campaign finance laws.

By engaging in political activity, complainant believes that NeighborWorks Montana may be acting outside the course and scope of nonprofit organizations as allowed under the IRS rules and guidelines regarding political activities of nonprofit organizations. Moreover and somewhat

ironically, to the extent that the board members of NeighborWorks Montana are participating on the board in their official capacity, such as that of a vice president of a bank, every board member's employer must also file as an incidental committee and report the time that the employer compensates the employee for his or her participation on the board. NeighborWorks has nine board members who are currently holding positions or prior to retirement held positions at traditional lending institutions. See the attached documentation of NeighborWorks Montana's board members who are affiliated with traditional lending institutions in Montana. Although the board members with ties to traditional lending institutions are of great concern given the exemption for traditional banks and lenders from the rate cap in this initiative, this argument is applicable to all board members serving in their employment capacities on the NeighborWorks Montana's board. Failure of the employer to report the compensation constitutes a breach of the campaign finance laws. If the employee's time is not considered compensated by their employer, why attach the individual's title and employer to their designation as a board member? See generally In the Matter of the Complaint Against the Montana Chamber of Commerce Regarding Its Activities In Opposition to I-121 And I-125, decided June 2000, regarding failure to adequately and timely report in-kind contributions and expenditures with regard to an employee being compensated for time spent working on a campaign.



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The IDA program is a 4:1 match savings account.

### NEW! Register Today For On-Line News

*NeighborWorks Montana Partners offer*  
**Homebuyer and Financial Education Classes**

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Lendor Memos have moved to [Loan Program Details](#)

### In the News

- [02/24/10 - Montana Initiative Against Payday Usury](#)
- [December 17, 2009 - Pick your passion to help Montana Shares assist needy. Learn more...](#)
- [December 2009 - Salish-](#)

**RESPA 2010 GFE and HUD-1 Compliance Training Webinar**

March 10, 2010 at 2pm

**Register Today**

Are you a non-profit or government organization providing down payment or closing cost assistance?

Are you a counselor or homebuyer educator providing education and information to potential homebuyers?

If so, please plan to attend this web-based workshop on the new RESPA (Real Estate

**2010 Montana Housing Partnership Conference**  
in Helena, MT  
June 15 - 17, 2010

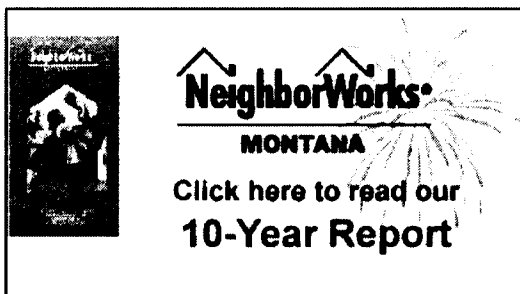
**Quick Reference Guide to Home Buyer Tax Credits**

As part of the stimulus package of 2009, the homebuyer tax credit has been extended and changed. The changes include:

- Increase of the tax credit to \$8,000 from \$7,500
- No recapture after 3 years
- Inclusion of homes purchased with Mortgage Revenue Bonds (MRB) funds. [Read More . . .](#)

You, as a participant, save up to \$1,000 and receive a match of \$4,000. This gives you a total of \$5,000 for down payment and closing cost assistance towards the purchase of your first home.

The purpose of the program is two-fold: To help you establish savings and budgeting habits in preparation for homeownership, and to establish a relationship with a lending institution. [Learn more . . .](#)



[Kootenai Housing Authority, a partner of NeighborWorks Montana, has replaced several homes on the Flathead Reservation. Read More . . .](#)

- [October 30, 2009 - Baucus Announces \\$8,000 Tax Credit to Be Extended Read more . . .](#)
- [October 20, 2009 - Rehberg Announces HUD Housing Assistance in Montana](#)

**Featured NeighborWorks Montana Partner**



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# Montana Initiative Against Pay Day Usury



By **Robert Borosage**

February 24, 2010 - 12:53pm ET

In Oregon, citizens mobilized to pass progressive tax hikes -- on corporations and families making over \$250,000 -- to help avoid cuts in children's and health care programs.

Now in Montana, citizens are mobilizing for an initiative to put a cap on the interests pay day lenders can charge -- on simple theory that 400% is too much. Here's the local report:

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 by Bill Scher  
 March 16, 2010

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 by Sam Pizzigati  
 March 14, 2010

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by OurFuture.org Staff | *March 17, 2010*

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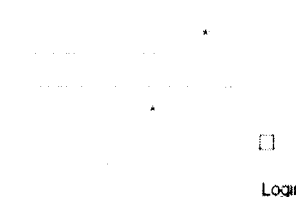
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by Zach Carter | *March 16, 2010*

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-  **The Fine Print on Financial Reform**  
By Tim Fernholz | March 17,

**Groups launch initiative effort to cap payday loans at 36%**

By CHARLES S. JOHNSON IR State Bureau | Posted: Wednesday, February 24, 2010 12:00 am | (0) Comments

*Stymied at the Legislature, some groups said Tuesday they instead will ask voters to cap at 36 percent the annual interest rates that payday lending businesses can charge, compared with the current 400 percent maximum.*

*A coalition of groups representing seniors and religious, women's, economic and union groups filed a proposed initiative with Secretary of State Linda McCulloch. If it clears a state legal review and if the backers obtain enough signatures, the measure would appear on the November 2010 ballot.*

*Recent legislative sessions have killed bills similar to the initiative so backers are turning now to the initiative process.*

*"We believe that 400 percent interest is too high," said former state Rep. Sheila Rice, D-Great Falls, now is executive director of NeighborWorks, an advocacy group, and chairwoman of the Women's Foundation of Montana Advisory Council.*

*Bob Bartholomew, state director of AARP Montana, said many elderly and poor Montanans are struggling to make ends meet, especially during the recession.*

*"Payday lenders have taken advantage of their struggle, providing high-interest loans that are repaid out of the worker's next paycheck or the retiree's next Social Security check," Bartholomew said. "Reasonable short-term loans can be helpful for a worker trying to deal with an emergency, but these payday loans, charging more than 400 percent interest, frequently become a debt trap in which the borrower sinks deeper in debt."*

*Tom Jacobson, executive director of Rural Dynamics, a Havre advocacy group, said more than 70 percent of these Montana lenders are owned by out-of-state companies. In 2008, he said, these companies made more than \$40 million in loans in Montana and collected more than \$9 million in interest and fees, "draining millions of dollars from Montana's local economy."*

*Rebecca Mastee of the Montana Catholic Conference said anyone could need an emergency loan in this economy, but added: "Montana families struggling to make ends meet should not be preyed on by lenders charging over 400 percent interest."*

*In response, Bernie Harrington of Billings, who owns six payday loan businesses, defended the industry as serving a legitimate need for Montanans who need to borrow money.*

*"I think ultimately if the voters of the state understand they are going to hurt the consumers, they aren't going to vote for it," said Harrington, representing the Montana Financial Service Centers Association.*

*He said payday lenders charge a \$15 fee on a \$100 two-week loan, \$25 on a \$200 two-week loan.*

*"They don't like to say it's 15 bucks, but that it's 400 percent APR (annual percentage rate)," he said. "They like to throw that out for shock and awe."*

*But other financial institutions not covered by the initiative charge far higher annual percentage rates, he said. For instance, a bank that imposes a \$27.40 for a \$100 bounced checks charges 701 percent APR, while a \$37 late fee on a \$100 credit card bill amounts to a 965 percent APR.*

*Passage of the initiative would mean killing the payday lender industry in Montana, throwing at least 800 Montanans out of work. Harrington said. A 36 percent cap would mean a payday lender would make only*

2010

Using Bank Interests to Help Students

By George Kaiser | March 17, 2010

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TO SUPPORT OUR WORK****CREDO**

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Views expressed on this page are those of the authors and not necessarily those of Campaign for America's Future or Institute for America's Future

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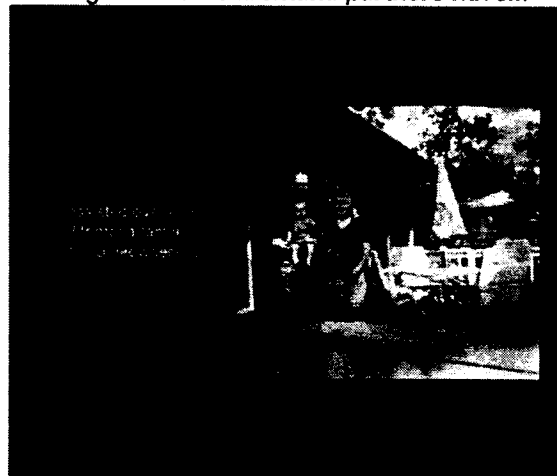
**LOAN MODIFICATION SCAM**

# ALERT

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**KNOW THE SIGNS. GET THE FACTS.**

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 NeighborWorks Montana partners have...*



**NEW! Register Today  
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*NeighborWorks Montana Partners offer  
 Homebuyer and Financial  
 Education Classes*

**Schedule**



## Upcoming Events

Click heading for more information

**SAVE THE DATES!**  
 May 18 & May 19  
**FREE RESPA/GFE Training  
 Coming to Montana**

We are pleased to announce that a representative from the national Director of RESPA's office in Washington, D.C. will be coming to Montana! [Read more . . .](#)

**NeighborWorks Week  
 Loan Modification Scam  
 Prevention  
 June 6th - 12th, 2010**

2010 Montana Housing Partnership  
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 June 15 - 17, 2010

**Quick Reference Guide to  
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Featured NeighborWorks Montana Partner



## In the News

- [April 16, 2010 - Federal Home Loan Bank of Seattle Announces Appointment of Montana Woman to 2010 Affordable Housing Advisory Council Members](#)



- [February 24, 2010 - Montana Initiative Against Payday Usury](#)
- [December 17, 2009 - Pick your passion to help Montana Shares assist needy. \[Learn more . . .\]\(#\)](#)
- [December 2009 - Salish-Kootenai Housing Authority, a partner of NeighborWorks Montana, has replaced several homes on the Flathead Reservation. \[Read More . . .\]\(#\)](#)

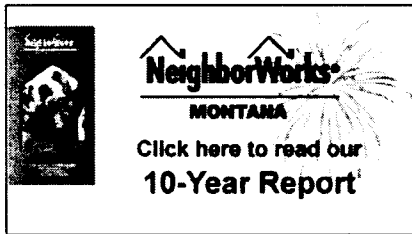
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[Read our most recent Newsletter on-line](#)



The graphic features the NeighborWorks Montana logo on the left, which includes a house icon and the text "NeighborWorks MONTANA". To the right of the logo is a stylized sunburst. Below the logo, the text reads "Click here to read our 10-Year Report".

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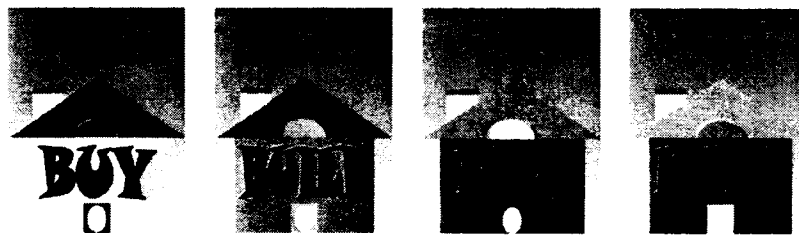
**Rebuilding Historic Great Falls  
Neighborhoods and Creating  
Home Ownership Opportunities  
for Hard Working Families**



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- [Links to Additional Services](#)

**Recent News**

- [04/24/10 - NWGF MAPril Clean-Up \(KRTV\)](#)
- [03/23/10 - Planning board to next plan for four duplexes](#)
- [03/19/10 - NeighborWorks Great Falls Announces Fundraising Results](#)
- [03/04/10 - NeighborWorks Kicks-Off Annual Fundraiser](#)
- [02/27/10 - NeighborWorks exalts stimulus building project](#)
- [02/04/10 - Montana Public Housing Authority](#)
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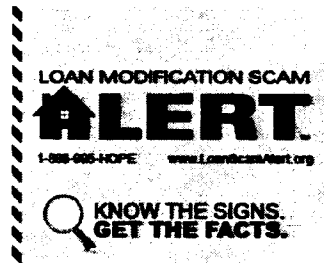


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**Celebrating 30 Years of Impact 1980- 2010**

**Partners Putting The Pieces Together**

- Families
- Neighborhoods
- Community
- Business
- Government



**Why Support NWGF**

NeighborWorks Great Falls has long held a place in donors hearts because of its big accomplishments and the difference it has made in our community. Whether your passion is helping to revitalize downtown or to promote homeownership among hard-working residents, NWGF makes it happen.

The long-term value of our work has been well-documented. Families who are homeowners are more stable and will have assets 12 times larger than a comparable renting family. Their children will be more likely to graduate from high school, avoid teen-age pregnancy and stay out of the criminal justice system. Essentially, homeownership changes a family forever.

**Our Mission**

The Mission of NeighborWorks Great Falls is to encourage pride, develop confidence, promote self-reliance, provide affordable housing and revitalize targeted neighborhoods and communities through a partnership of residents acting in concert with financial institutions, business community, governmental and nonprofit organizations.

**Quick Links**



- [Weekly Rental Listing](#)
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**Upcoming Events**

**Click on Heading for More Inform**

**MAPRIL Clean-Up Postoned to May 8!**

The second day of the communitywide cleanup called MAPril, which was scheduled for Saturday, April 24, has been postponed and will take place on Saturday, May 8, because of inclement weather. All of the cleanup groups are encouraged to complete projects then. Malmstrom Air Force Base is asking to have the day postponed. An questions can call 761-5861.

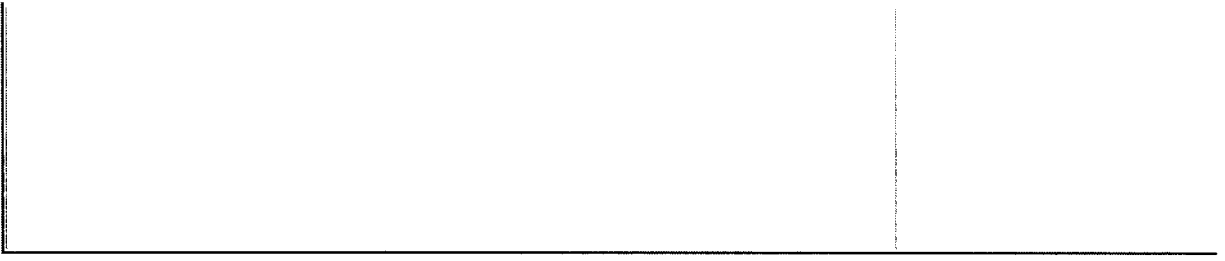
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Loan Modification Scam Prevention  
June 6th - 12th, 2010

NWGF Annual Meeting  
June 11, 2010 (tentative date)

2010 Biennial Housing Conference  
Helena, MT - June 15th -17th



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## Board of Directors



### Nicole Antoine

Nicole Antoine was born and raised in Pablo, MT. She graduated with a Masters degree in Social Work in 1997 from Eastern Washington University. She has been working with homeownership program for Salish Kootenai Housing Authority since 2004. Previously Nicole worked in the social work arena working with various school districts and social services agencies. She is very dedicated to working with the tribal people here on the Flathead Indian Reservation.



### Bruce Brensdal

Bruce was born and raised in Plentywood Mt. He graduated with a BSBA in Accounting from Eastern Montana College in Billings Montana and is a CPA. He has been the Administrator for the Housing Division since July, 2000. This includes the Section 8 programs, HOME Investment Partnership and the Board of Housing. He was previously the Multifamily Program Manager with the Montana Board of Housing since June, 1995. During this time he managed the Low Income Housing Tax Credit programs, the Multi-Family Bond Programs and the Reverse Annuity Mortgage (RAM) Program. He previously worked for the Montana Department of Revenue as an auditor for 5.5 years.



### Deborah Chorlton

Deborah Chorlton is currently the Housing Program Director for USDA Rural Development. She has spent 30 years in the lending industry and worked for national firms such as Citibank and Wells Fargo. She has also worked for the banking regulatory agencies of FDIC and FSLIC. In her current position, she manages a \$520M single family and multi-family housing loan portfolio with new loan production last year of \$105M.



### Julie Graham

Julie Graham is VP/Real Estate Department Manager for Mountain West Bank, N.A. in Helena. She is responsible for the Real Estate lending operation for the Bank in their 13 offices in Helena, Missoula, Bozeman, Kalispell, Great Falls, Whitefish and Polson. A Butte native, she has been in the banking industry in Montana for 32 years and has been involved in all aspects of the industry. She has served on the Board of Directors for the Florence Chritenton Home and Services in Helena and has worked with the Carroll College Impact drive for the past 5 years.

### Susie Hay



### Alan Holom

Alan lives in Miles City and is the Mortgage Manager for Stockman Bank. Stockman Bank purchases subscription bonds from the Montana Board of Housing to provide funds for mortgages for low- and moderate-income families. Stockman Bank also provides first mortgages for NWMT customers. Miles City qualifies as a rural town by Rural Development's definition.

**Tom Jacobson**

Tom Jacobson joined Consumer Credit Counseling Service of Montana Rural Dynamics Incorporated (CCCS/RDI) as Executive Director in September of 2003. His responsibilities include working with the Board of Directors to provide strategic direction for the development and administration of CCCS initiatives, programs, policy agendas, and public relations efforts. CCCS/RDI is instrumental in helping individuals and communities across the Northern Plains region recognize a vision for personal and collective economic growth.

Tom earned a Bachelor's degree in Business administration from the University of Great Falls and a Master's Degree in Public Administration from the University of Wyoming. Most recently he is the incoming Chair of the Board of Directors for the Montana Nonprofit Association, serves as Treasurer on the Board of Directors for the National Foundation for Credit Counseling, a charter board member of the Montana Financial Education Coalition, and serves on the Board of Directors for the United Way of Cascade County, and the national debt management software company, CPR. Tom is also an adjunct faculty member in the graduate studies program at the University of Great Falls.

**Gail Mann****Mike McCleary**

Mike McCleary has been active in the Banking/Real Estate industry since 1977. He started with First Federal Savings and Loan of Great Falls in May 1977 as a Real Estate Appraiser. Over the years he has work in many aspects of the business including appraising, accounting, loan servicing, operations, real estate lending, branch manager and construction lending. He is currently employed with US Bank as the Construction Loan Manager.

**Jim Morton**

Jim is the Executive Director of the Human Resources Council in Missoula. He has been an energetic advocate for low-income residents in all arenas for more than 25 years. He leads a non-profit agency that serves three Western counties in Montana. The purpose of the HRC is to alleviate poverty and enhance the public health and welfare by offering opportunities for people to better their conditions.

**Susan Moyer**

Susan Moyer retired as Community Development Director for the city of Kalispell on December 29, 2006. She devoted 28 years of her career with the city to implementing affordable housing projects, as well as addressing economic development issues in her community. She is chair of the United Way's Food and Emergency Shelter Board and serves on the board for NeighborWorks MT. She attended San Jose State University. Ms. Moyer is Commissioner on the State Board of Housing, the state housing finance agency.

**Michael O'Neil**

Michael O'Neil serves as State Director of the AWARE Montana Home Choice Coalition. The Montana Home Choice Coalition works to create accessible, community integrated housing choices for persons with disabilities across the age and ability spectrum. The Coalition works on housing issues from homelessness, to Olmstead housing for those in state institutions, to integrated community rental housing, and expanding homeownership opportunities. Michael strongly advocates the view that quality, safe, accessible and affordable housing is the cornerstone of stable community living and a life of greater independence and dignity for all.

**Jack Prothero**

Jack Prothero, retired in 2001, sits on a number of public-service boards of directors. He served for three years as the president of the board of directors for the Montana HomeOwnership Network (dba NeighborWorks Montana). Mr. Prothero served as a loan officer for Norwest bank in Great Falls from 1977-1979, vice President of Great Falls Federal Savings and Loan from 1979-1989, and vice president at Western Security Bank in Great Falls from 1990-2001.



**Sheila Rice**

Sheila Rice has served as the Executive Director of NeighborWorks Montana for two years, following a 24-year management career at multi-state energy and utility company. There, she planned and produced marketing campaigns and large construction utility projects. She has an MBA from the University of Montana. She chaired the area United Way campaign twice and chaired the NHS campaign three times. She served in state legislature for two terms.

**Byron Roberts**

Byron Roberts of Helena is the former Executive Director of the Montana Building Industry Association (MBIA). He came to the MBIA from the U.S. Small Business Administration. He previously organized Roberts Homes, a contracting firm specializing in the design and construction of upscale homes and in historic restorations in the Helena area. Roberts began his career as an urban planner with the firm of Small Cooley and Associates in the development of community plans, zoning and subdivision regulations for communities in Montana and Colorado. He has spent twenty years with Montana State Government and served as Chief of the State Land Use Planning Bureau and Administrator of the Business Assistance Division of the Montana Department of Commerce.

**Marilyn Rose**

Marilyn K Rose retired March 31, 2003 from USBank as Regional President after 30 years with the bank, holding various managerial positions including President of Great Falls USBanks. Rose continues to serve community and state organizations including: NeighborWorks Montana, EasterSeals/Goodwill, Heisey Foundation Trustee, Montana State Board of Real Estate Appraisers, University of Great Falls Trustee and USBank Advisory Board.



**Frank Shaw**

Frank W. Shaw is a board member for Neighbor Works Montana and NeighborWorks Great Falls. He is a former President for both organizations. He is retired from Wells Fargo Banks. He formerly served as Great Falls District President for the Great Falls banks and six banks in Central Montana. He is a past board member of the C.M. Russell Museum and Great Falls Chamber of Commerce. Frank is a graduate of the University of Montana and received a masters degree in Economics from Montana State University.



**Mike Smith**

Mike Smith has been in banking industry since 1986. He is currently Senior Vice President/Real Estate Manager for Glacier Bank in Kalispell. Glacier Bank has branches in Kalispell, Whitefish, Bigfork, Columbia Falls, Polson, Eureka, Libby and Butte. Mike and his family relocated to Flathead Valley in 2006 from Colorado. He was branch manager and Sr. Loan Officer for Cherry Creek Mortgage in Boulder, Co., from 1992 to 2006.

**Peggy Trenk**



**Maria Valandra**

Maria has been in the banking industry since 1994 and is currently Vice-President of Community Development for First Interstate Bancsystem. She is responsible for Community Development initiatives across Montana, Wyoming and Western South Dakota for First Interstate Bank which includes the Community Reinvestment Act and other community development relationships and projects. Maria currently serves on the board of Rural Dynamics, Inc., NeighborWorks Montana Operations Committee, and chairs the Montana Indian Business Alliance. In 2006, she worked on the Montana Housing Conference Planning Committee, and has previously chaired the MT American Indian Homeownership Taskforce and been involved with the Montana Small Business Development Center Advisory Board, the Loan Committee for the Native American Development Corporation and has served on the Boards of Habitat for Humanity and Head-Start in Billings.

Steps to Homeownership	Homebuyer Ed. & Counseling	Class Schedules	Loans Available	Income Guidelines	Homes for Sale
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