

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Landsgaard v. Brown No. COPP 2014-CFP-0010	DISMISSAL OF COMPLAINT AS FRIVOLOUS
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On March 6, 2014, Bozeman resident Paul Landsgaard filed a complaint with the Commissioner of Political Practices (COPP) against Senator William Taylor Brown (Senate District 22, Montana Legislature). The Complaint alleges that Senator Brown violated Montana campaign practice law by accepting four \$160 contributions, one each from four members of the Wilks family. The Wilks family lives in Cisco, Texas.

FINDING OF FACT

The foundational fact necessary for this Decision is that Dan Wilks, Staci Wilks, Farris Wilks, and Joann Wilks each made a \$160 contribution to the general election campaigns of a number of candidates seeking election as legislators to the 2012 session of the Montana legislature. (Stated Fact in Complaint).

I. Applying Indicia of Frivolous Complaint to this Matter

The sole fact (see Finding of Fact, this Decision) necessary to determine the complaint in this matter was set out in the complaint itself. There was no

necessity of further investigation in order to make a Decision resolving this matter in its entirety. The entirety of this complaint may therefore be dismissed as a complaint “frivolous on its face.” 44.10.307(3)(a) ARM.

The amount of the contribution (\$160) attributed to each Wilks individual is the amount allowed by law.¹ The allegation in the complaint that the Wilks family is a “billionaire” Texas family is of no consequence. Protecting a clear and simple contribution limit for the Wilks individuals protects the same limit for a Montana individual. Each of the 4 individual contributions at issue in this Matter is allowed by law. The interpretations that Landsgaard seeks so as to group these four contributions into a single political committee limit is without credible support in policy or law.² The right to an individual contribution limit under Montana law needs to be protected, not reduced or made complicated by the sort of interpretations demanded by the complaint in this Matter. This complaint is a frivolous complaint under *Indicia No. 1 and No. 2, Landsgaard v. Peterson*, COPP-2014-CFP-008.

OVERALL DECISION

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. In most cases the Commissioner must follow a process requiring that the Commissioner (“shall investigate,” *See*, § 13-37-111(2)(a) MCA) investigate any alleged violation of campaign practices law. However, “no investigation shall be required if a complaint is frivolous on its

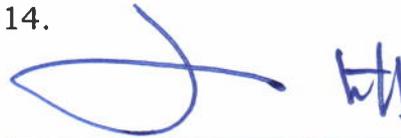
¹ *See* §13-37-216 MCA (2010 code) with amounts adjusted for inflation by 44.10.338 ARM.

² Likewise as to the complaint that “bundling” (something that is not defined or limited under Montana campaign practice law) somehow defeats an individual’s right to make an individual contribution.

face....” 44.10.307(3)(3)(a) ARM. Here no investigation is required at all as the entire complaint is frivolous on its face.

This Commissioner having duly considered the matters raised in the Complaint, determines the same to be frivolous. The Commissioner hereby dismisses this complaint in full and deems it to be a frivolous complaint.

DATED this 12th day of March, 2014.



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