

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES  
STATE OF MONTANA

---

IN THE MATTER OF THE CIVIL  
PENALTY IMPOSED AGAINST  
MONTANA PUBLIC INTEREST  
RESEARCH GROUP

---

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
MEMORANDUM OPINION AND ORDER

---

These informal contested case proceedings were filed before the Commissioner of Political Practices to consider the appeal of the principal referenced above.

Pursuant to the provisions of Montana Code Annotated § 5-7-306, the principal appealed the Commissioner's assessment of a civil penalty resulting from its late filing of its March 2011 Lobbying Finance Report, which was due on or before April 15, 2011.

The principal filed a written *Waiver of Hearing* waiving its right to an in-person hearing, and submitted a written statement for the Commissioner's consideration.

Based on the written submission of the principal, the documents of record in the Commissioner's file, and the applicable law, the Commissioner makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. Montana Public Interest Research Group is a principal registered with the Commissioner.

2. § 5-7-306, MCA, establishes civil penalties that are required to be assessed against any person who fails to file lobbying financial disclosure reports within the time required by law.

1 3. The 2011 Legislative Session Lobbying Financial Report for the period of  
2 March 1 – March 31, 2011 was required to be filed no later than April 15, 2011.

3 4. On April 11, 2011 the Commissioner e-mailed a “friendly reminder” to all  
4 principals, including the Montana Public Interest Research Group. The e-mail advised  
5 that a lobbying financial disclosure report for the March 1- 31, 2011 period of the  
6 2011 legislative session was required to be filed no later than April 15, 2011. The e-  
7 mail referenced the appropriate form that was required to be filed, known as a form  
8 L-5, and noted that the form was available for download on the Commissioner’s  
9 website.

10 5. The Montana Public Interest Research Group failed to file its Form L-5,  
11 Lobbying Financial Report, on or before the due date.

12 6. On May 12, 2011, the principal filed its Form L-5, Lobbying Financial  
13 Report. Because the report was filed nineteen (19) business days late, a fine of nine  
14 hundred fifty dollars (\$950.00) was assessed.

15 7. On May 12, 2011 the Commissioner issued written notice of the assessment  
16 of a civil penalty for the late filing of form L-5 in the amount of nine hundred fifty  
17 dollars (\$950.00), in accordance with 5-7-306, MCA.

18 8. The Montana Public Interest Research Group filed a written Waiver of Hearing  
19 and submitted a written statement for the Commissioner’s consideration on May 20,  
20 2011.

21 9. In the written statement Montana Public Interest Research Group noted that  
22 there was a staffing change, another organizational priority and that a \$950.00 is  
23 sizable for this “small nonprofit public interest advocacy group. Montana Public  
24 Interest Research Group requested leniency.

25 10. Montana Public Interest Research Group reported lobbying payments of six  
26 thousand four hundred ninety five dollars and six cents, (\$6,495.06) during the  
27 March 1- 31, 2011 period of the 2011 regular legislative session.

1 **CONCLUSIONS OF LAW**

2 1. The Commissioner has jurisdiction over this matter pursuant to §§ 2-4-604  
3 and 5-7-306, MCA.

4 2. Notice of the hearing was provided as required by law. (§ 2-4-601, MCA.)

5 3. § 5-7-306, MCA, provides:

6 Civil penalties for delays in filing -- option for hearing -- suspension of  
7 penalty. (1) In addition to any other penalties or remedies established by  
8 this chapter, a person who fails to file a report within the time required by  
9 this chapter is subject to a civil penalty of \$50 for each working day that  
the report is late until the report is filed or until the penalties reach a  
maximum of \$2,500 for each late report.

10 The person against whom a penalty is assessed may request an informal contested  
11 case hearing before the Commissioner. At the hearing, the Commissioner is  
12 required to consider any factors or circumstances in mitigation, and may reduce or  
13 waive the civil penalty. (§ 5-7-306(3), MCA.)

14 **MEMORANDUM OPINION**

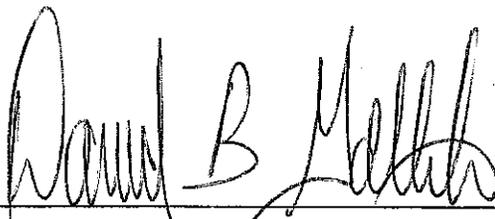
15 The filing deadlines for lobbying disclosure reports are established by  
16 statute, and cannot be extended. Moreover, a careful reading of the reporting  
17 requirements in § 5-7-208(2)(b), MCA, discloses that a report for the March 2011  
18 reporting period was required to be filed, if a principal spent five thousand dollars  
19 (\$5,000.00) in a calendar month. Information offered in the written statement by  
20 Montana Public Interest Research Group requesting leniency provides an insufficient  
21 basis for the failure to timely file its lobbying report.

22 I urge principals to carefully review the statutory filing requirements to  
23 ensure that they are in compliance with the law and to avoid the assessment of civil  
24 penalties in the future.

1 **ORDER**

2 THEREFORE, IT IS HEREBY ORDERED that Montana Public Interest Research  
3 Group shall pay a civil penalty of nine hundred fifty dollars (\$950.00) to this office  
4 no later than July 11<sup>th</sup>, 2011.

5 DATED this 27<sup>th</sup> day of May, 2011.

6 

7  
8  
9 David B. Gallik  
Commissioner of Political Practices

10  
11 **NOTICE:** This is a final decision in a contested case. You have the right to seek  
12 judicial review of this decision pursuant to the provisions of Mont. Code Ann. §§  
2-4-701 through 2-4-711.

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that I caused a true and accurate copy of the foregoing FINDINGS OF FACT,  
15 CONCLUSIONS OF LAW, ORDER, AND MEMORANDUM OPINION to be mailed to:

16 Steve Blackledge  
17 Montana Public Interest Research Group  
18 P.O. Box 505  
Missoula, MT 59806

19 USPIRG  
20 Steve Blackledge  
1107 9<sup>th</sup> Street, Ste 601  
Sacramento, CA 95814

21 DATED: May 27, 2011.

22   
23 Mary Baker  
24 Program Supervisor

25  
26 1) 7006 2760 0000 9022 1158

27 2) 7006 1060 0000 1294 8104