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2 BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
3 STATE OF MONTANA
4

5 IN THE MATTER OF THE CIVIL
6 PENALTY IMPOSED AGAINST
7 MONTANA DIGITAL ACADEMY

8 **FINDINGS OF FACT, CONCLUSIONS OF LAW,
9 MEMORANDUM OPINION AND ORDER**

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

12 Pursuant to the provisions of § 5-7-306, MCA, the Principal appealed the
13 Commissioner's assessment of a civil penalty resulting from late filing of its Post-
14 Session 2011 Lobbying Finance Report, which was due on or before May 31, 2011.

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

17 Based on the Principal's written statement, documents of record in the
18 Commissioner's file, and applicable law, the Commissioner makes the following
19 Findings of Fact, Conclusions of Law, Memorandum Opinion, and Order.

20 **FINDINGS OF FACT**

- 21 1. Montana Digital Academy is a Principal registered with the Commissioner.
22 2. Section 5-7-306, MCA, establishes civil penalties required to be assessed against
23 any person or entity who fails to file lobbying financial disclosure reports within the time
24 required by law.
25 3. The 2011 Legislative Post-Session Lobbying Financial Report was to be filed
26 no later than May 31, 2011.
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1 this chapter is subject to a civil penalty of \$50 for each working day that
2 the report is late until the report is filed or until the penalties reach a
3 maximum of \$2,500 for each late report.

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

8 MEMORANDUM OPINION

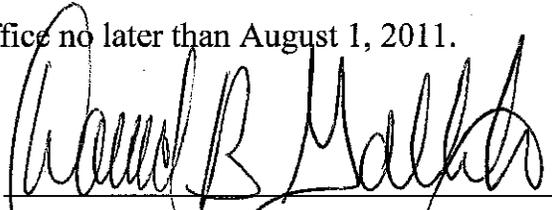
9 The filing deadlines for lobbying disclosure reports are established by statute
10 and cannot be extended. Moreover, a careful reading of the reporting requirements
11 in § 5-7-208(c), MCA, provides a report must be filed no later than 30 days following
12 adjournment of a legislative session. In its written statement, Montana Digital
13 Academy did not provide a valid reason for their tardy report.

14 I urge Principals to review the statutory filing requirements to ensure
15 compliance with the law and avoid assessment of civil penalties.

16 ORDER

17 IT IS HEREBY ORDERED that Montana Digital Academy shall pay a civil
18 penalty of fifty dollars (\$50.00) to this office no later than August 1, 2011.

19 DATED this 26th day of July, 2011.

20 
21 David B. Gallik
22 Commissioner of Political Practices
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NOTICE: This is a final decision in a contested case. You have the
right to seek judicial review of this decision pursuant to the provisions
of §§ 2-4-701 through 2-4-711, MCA.

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CERTIFICATE OF SERVICE

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

Bob Currie
Montana Digital Academy
32 Campus Drive
Missoula, MT 59812

DATED: July 18, 2011.


Mary Baker
Program Supervisor