

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

O'Hara v. Pinocci No. COPP 2014-CFP-027	Initial Decision and Findings of Sufficient Facts to Show a Campaign Practice Violation This Complaint Remains Open For a Further and Final Decision
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Randy Pinocci is a resident of Sun River, Montana. Mr. Pinocci was a candidate for the Republican nomination for election to the 2012 Montana legislature, House District No. 18 (HD 18). Jesse O'Hara was at all times pertinent, a resident of Great Falls, Montana. Mr. O'Hara was also a candidate for the Republican nomination for 2012 election to the Montana legislature, HD 18. On May 28, 2014, Mr. O'Hara filed a complaint with the COPP alleging that Candidate Pinocci engaged in campaign practice violations related to the reporting of expenses and contributions in his 2012 election reports.

DISCUSSION

The foundational facts necessary to consider the complaint are as follows:

Finding of Fact No. 1: Jesse O'Hara and Randy Pinocci were competing candidates in the 2012 primary election for Republican nominee for election as Representative to the Montana legislature from House District 18. (Secretary of State's (SOS) Website).

Finding of Fact No. 2: Jesse O’Hara prevailed in the 2012 primary election by a vote of 1,186 to 950 for Randy Pinocci. Mr. O’Hara went on to win the general election and served as the Representative to the 2012 Montana legislature from HD 18. (SOS Website).

Finding of Fact No. 3: As a candidate for the 2012 Legislature Randy Pinocci (Candidate Pinocci) was required to file certain campaign finance reports, including a pre-election and post-election report. (see analysis below).

- a. Candidate Pinocci timely filed the pre-election campaign finance report due May 24, 2012. (Commissioner’s records).
- b. Candidate Pinocci filed the 2012 post-election report on June 5, 2014. (Commissioner’s records).

The Commissioner now addresses the issues raised by the O’Hara complaint.

1. Late Filing

Montana law required that Candidate Pinocci, as a candidate in the 2012 Republican primary election, file a campaign finance report 20 days post-election or no later than June 23, 2012. (§13-27-226(3) MCA). Candidate Pinocci first filed this campaign finance report on June 5, 2014. FOF 3b.

Montana’s campaign finance report filing requirements are mandatory: “shall file” (see §13-37-226 MCA). The filing date requirements are date certain. Therefore, any failure to meet a mandatory, date-certain filing date is a violation of §13-37-226 MCA. Candidate Pinocci’s 2012 campaign finance report was filed almost two years late.

It is noted that a proper report, late filed, will not resolve the campaign practice violation as any such report will, at a minimum be untimely. There is no reasoning or excuse for a late filing of two years. *See Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009. The Commissioner determines that

sufficient facts are shown to establish a campaign practice violation based on the failure of Candidate Pinocci to timely file his post-election campaign finance report.

2. Related Effects of Filing

Candidate Pinocci has filed his 2012 post-election report, albeit late. The filing of that report removes one potential challenge to the placement of Candidate Pinocci's name on the 2014 general election ballot. Under Montana law "...the name of a candidate may not appear on the official ballot for an election if the candidate fails to file any statement or report as required by [chapter 37]". §13-37-126 MCA. Until June 5, 2014 Candidate Pinocci had failed to file a 2012 campaign finance report required by Chapter 37. Such a continued failure to file would have meant removal from the ballot in that the Commissioner "shall by a written statement, notify the Secretary of State that a candidate" has failed to file, resulting in the candidate's removal from the ballot. *Id.*

Candidate Pinocci's filing of his 2012 post-election campaign finance report triggers COPP inspection duties defined by §13-37-121 MCA. Those duties require both informal and formal contact with a candidate. Kym Trujillo and Mary Baker had multiple informal contacts with Candidate Pinocci both before and after the filing the June 5, 2014 campaign finance report. Despite the advice and dozens of hours of assistance from COPP staff, Candidate Pinocci filed and did not correct a campaign finance report that does not conform to

law because it does not intelligibly disclose contributions or expenditures.¹ Adequate disclosure is measured by §13-37-229, 230 MCA, and §§ ARM 44.10.511, 515, 525, 531, and 535, together with the directions set out in the COPP accounting and reporting manual for candidates.²

The Commissioner, under the authority of §13-37-121 MCA hereby determines that Candidate Pinocci's June 5, 2014 campaign finance report does not conform to the requirements of the law cited above. Implicit in this Order is the determination that this Office and the staff of this Office has helped Candidate Pinocci to the extent it should or can in regard to preparation of this report.³ Candidate Pinocci is directed to "amend" this particular campaign finance report by filing a new campaign finance report using his own resources, including engaging professional staff to help him do so.

This Decision is accompanied by an Order of Noncompliance issued under the authority of §13-37-121(2)(b) MCA. Candidate Pinocci has 5 days to comply with the Order of Noncompliance and file a 2012 campaign finance report that conforms to the requirements of Montana law. Should Candidate

¹ A copy of candidate Pinocci's amended June 5, 2014 post-election report is attached to this Initial Decision. The amended report reflects work by Kym Trujillo and Mary Baker on Candidate Pinocci's pre-election report such that a correct cash balance was carried over from the pre-election to the post-election report. The post-election report, however, is deficient in its reporting period treatment of expenses and contributions.

² Candidate Pinocci chose to complicate his reporting through individual "in-kind" personal contributions created by personal expenditures, later attributed to his campaign. In contrast, most candidates place cash (including their own contribution) into a campaign bank account and pay campaign expenses by check from the campaign account.

³ This directive applies only to the particular 2012 post-primary campaign finance report. Candidate Pinocci is welcome to seek assistance for his 2014 campaign finance reporting. COPP staffers Baker and Trujillo have spent dozens of hours in multiple phone calls with Candidate Pinocci, but there has been no appreciable gain in the quality of report filed by Candidate Pinocci. It appears that Candidate Pinocci will need to hire an accountant to help him file the 2012 campaign finance report at issue in this matter.

Pinocci fail to timely respond, the Commissioner may choose to pursue the appropriate civil action (*Id.*), or the Commissioner may investigate the campaign finance report as filed under the authority of §13-37-111 MCA. Given the length of time involved, the Order of Noncompliance provides Candidate Pinocci one last chance to file a conforming campaign finance report.

It is noted that campaign finance reports provide a viewing lens for the voting public into the practices and actions of a particular candidate. The Commissioner is therefore charged with taking the steps necessary to insure that the candidate files, and the public has access to, correctly prepared campaign finance reports. It seems prudent for Candidate Pinocci to prepare and file such a report demonstrating thereby competency in candidate campaigning as well as respect for Montana law.

A. How is it That Candidate Pinocci Was a Primary Candidate?

With the above analysis in mind, the Commissioner acknowledges that a pre-primary analysis, comparable to that set out above, would have determined whether or not Candidate Pinocci's name was allowed on the 2014 Republican primary ballot. Candidate Pinocci's name did appear on the primary ballot and he won the 2014 Republican primary election despite being technically ineligible to be on the ballot under the above listed law because he had failed to file a required campaign finance report. This primary candidacy issue, however, is no longer in play. First, the time to take such a candidate removal

action before the primary election has now expired. See §13-37-126(3) MCA.⁴ Second, in any such pre-primary analysis an Order of Noncompliance would have been issued. That Order would have allowed Candidate Pinocci time to file a conforming campaign finance report. It is expected that Candidate Pinocci will now file a conforming campaign finance report within the time allowed by the Order issued in this Matter. Had the Order been issued during the primary election it would have provided Candidate Pinocci with a similar opportunity to file the missing report.

In making this explanation the Commissioner notes that Montana law provides the Commissioner with clear authority to deal with campaign finance reporting failures such as those of Candidate Pinocci. The authority provides staggered, common sense levels of progressive authority and it further specifically directs the Commissioner to take action.

First, the Commissioner is mandated to inspect all campaign finance reports within 20 days of the filing date of the report. (§13-37-121 MCA). The COPP staff person who conducted the 20 day inspection of Candidate Pinocci's 2012 campaign pre-election finance report was Kym Trujillo. The above law required that the person conducting the inspection "shall immediately notify the person of the noncompliance." Ms. Trujillo promptly notified Candidate Pinocci of his failure to file, doing so by telephone contact. (Commissioner's records).⁵

⁴ The complaint was filed May 28, 2014 before the June 3 election, but that date was also too late as a removal of a candidate's name can occur no later than 75 days before the date of the primary election. §13-10-208 MCA.

⁵ This prompt informal contact by the COPP inspectors is the cordial communication that corrects hundreds of filing mistakes per election cycle. The operative statute, §13-37-121 MCA, states that this contact may be by "...written or electronic communication or by phone."

Second, the law required that, upon Candidate Pinocci's continued failure to file the required campaign finance report, the COPP must follow Ms. Trujillo's informal contact with formal corrective action: "[i]f the person fails to comply after the notification, the Commissioner shall issue an Order of Noncompliance as provided in this section." §13-37-121 MCA. That Order of Noncompliance was not issued in July of 2012. It is issued today.⁶

As the above analysis shows, Montana's campaign finance laws, while simple in text, are elegant in effect. Had the appropriate law been applied by the COPP as mandated, it would not have been possible for Candidate Pinocci, or any candidate, to pass through the 2014 primary election process with a missing 2012 campaign finance report. The COPP is adjusting, as shown by this Decision, to the increased roles and demands placed on the Office by the changing candidate campaign practices in recent Montana elections. Future inspections of a candidate's campaign finance reports will retain the informal, cordial and helpful corrective actions that candidates appreciate from this Office. However, campaigns with missing reports will receive a formal Order of Noncompliance as directed by statute.⁷ In turn, such Orders will be enforced, if necessary, by action in district court.

⁶ Orders of Noncompliance have been used infrequently and irregularly by the COPP with some issued in 2009 through 2011. None of the prior Orders of Noncompliance resulted in enforcement through a court of law.

⁷ It is noted that in 2012 the COPP campaign finance report inspectors (Mary Baker, Kym Trujillo and Karen Musgrave) had no in-house access to legal staff and therefore had no practical means of even issuing or enforcing an Order or Noncompliance. In 2013, however, the legislature added COPP funding for an attorney and the governor appointed another attorney as Commissioner. The COPP is now better able to deal with this issue.

B. What is An Order of Noncompliance?

An Order of Noncompliance is just what it says, a directive or Order from the Commissioner to a candidate or political committee stating that there has been a failure to provide required information, along with an Order that the information be provided. The Commissioner issued the Order of Noncompliance in this Matter under the legal authority provided the COPP. Montana law provides that the "...Commissioner may exercise all of the powers conferred upon the commissioner by law ..." §13-37-116 MCA. Section 13-37-121 MCA then authorizes and directs the Commissioner to issue an Order of Noncompliance.

An Order of Noncompliance is a procedural tool that identifies a campaign practice that, in the Commissioner's judgment, does not conform to Montana law. It is part of the system of governance established to insure that campaigns timely and properly file campaign finance reports. The timely and proper filing of campaign finance reports are an essential part of election transparency as they provide Montana's citizens with the campaign information needed to allow a reasoned vote on the campaign issue or candidate.

Generally the powers of the Commissioner related to political practices are procedural in nature. The Commissioner acts as agent and representative of the people of Montana in accepting and posting campaign finance reports, inspection of those reports, investigation of complaints, determination of sufficient facts to show campaign violations, settlement of sufficiency determinations and, if necessary, enforcement of sufficiency determinations in

district court. It is the district court, through district court judges, that applies due process rules and determines the substantive application of law and facts in a contested case setting.⁸

3. Further Complaint Analysis

The Commissioner has determined that sufficient facts exist to establish a campaign practice violation based on the late filing of Candidate Pinocci's 2012 post-election campaign finance report. This initial decision, with an accompanying Order of Noncompliance, provides Candidate Pinocci an opportunity to bring his late filed campaign finance report into conformance with the above cited law. After Candidate Pinocci files an amended 2012 post-election campaign finance report the Commissioner will, based on the contents of the report, decide the scope of any further investigation, as allowed by §13-37-111 MCA. Following the investigation the Commissioner will issue a second and final Decision in this Matter. That Decision may identify sufficient facts showing any further campaign practice violations by Candidate Pinocci.

ENFORCEMENT OF SUFFICIENCY FINDINGS

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner cannot avoid, but must act on, an alleged campaign practice violation as the law mandates that the Commissioner ("shall investigate," *see*, §13-37-111(2)(a) MCA) investigate any alleged violation of campaign practices law. The mandate to

⁸ The one exception to this approach is that the Commissioner may, without involvement of the courts, direct the Secretary of State to withhold a candidate's name from the official ballot for the reasons set out in this Decision. §13-37-126 MCA.

investigate is followed by a mandate to take action as the law requires that if there is “sufficient evidence” of a violation the Commissioner must (“shall notify”, see §13-37-124 MCA) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence, as set out in this Decision, to show that Candidate Pinocci’s campaign has, as a matter of law, violated Montana’s campaign practice laws, including, but not limited to §13-37-226 MCA and all associated ARMs. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to timely file was due to lack of diligence. Excusable neglect cannot be applied to lack of diligence. See discussion of excusable neglect principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009.

Likewise the harm to the public is substantial and obvious so as not to be excused as *de minimis*. See discussion of *de minimis* principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009. This is particularly true in regard to candidate Pinocci in that he filed, and sought press coverage for, a narrowly drawn pre-election campaign practice complaint against his 2014 primary election opponent. *Pinocci v. Hagan*, COPP-2014-CFP-021.

Because there is a finding of violation and a determination that *de minimis*

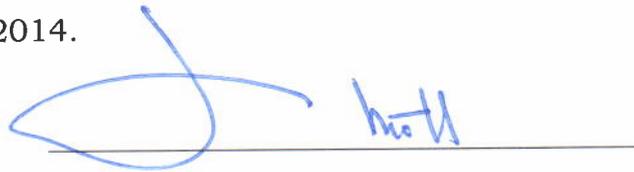
and excusable neglect theories are not applicable, civil/criminal prosecution and/or a civil fine is justified (See §13-37-124 MCA). The Commissioner hereby, through this decision, issues a “sufficient evidence” Finding and Decision justifying civil prosecution under §13-37-124 MCA. Because of nature of violations (the failure to timely report occurred in Lewis and Clark County) this Matter, upon issuance of the final Decision, will be referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. §13-37-124(1) MCA. Should the County Attorney waive the right to prosecute [§13-37-124(2) MCA] or fail to prosecute within 30 days [§13-37-124(1) MCA] this Matter returns to this Commissioner for possible prosecution. *Id.*

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that this Matter is waived back, the Finding and Decision in this Matter does not necessarily lead to civil or criminal prosecution as the Commissioner has discretion [“may then initiate” See §13-37-124(1) MCA] in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In the event that a fine is not negotiated and the Matter resolved, the Commissioner retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of law, including those of §13-37-226 MCA. (See 13-37-128 MCA). Full due process is provided to the alleged violator because the district court will consider the matter *de*

novo.

A second and final Decision is forthcoming in this Matter. At that point the combined Decisions in this Matter will be referred to the Lewis and Clark County Attorney. Upon return for negotiation of the fine or for litigation, mitigation principles will normally be considered. See discussion of mitigation principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009. The Commissioner, however, determines that mitigation is not appropriate in this Matter, given the length of time involved in the failure to file causing a lack of public access to the information in a subsequent election.

DATED this 18th day of June, 2014.



Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1205 8th Avenue
Helena, MT 59620
Phone: (406)-444-4622

Candidate Campaign Finance Report (C-5)

Candidate Information

Date Filed: 03/15/2012
 DI Received Date: 03/15/2012
 C118 Received Date:

Amended Filing for: 05/25/2012 - 06/21/2012
 Report Type: Periodic
 Receive and File Date: 06/05/2014

Pinocci, Randy
 66 Sun River Cascade Rd., Sun River, MT 59483

Election Year: 2012

Resident County: Cascade
 (406) 264-5391
 pinocci@3rivers.net

Office Sought: House District No. 18
 Political Party: Republican

Candidate Type: State District
 Current Status: Amended

Treasurer:
 Pinocci, Randy
 66 Sun River Cascade Road Sun River, MT 59483

Bank Information:
 Stockman Bank
 25 5th St. N. Great Falls, MT 59407

Summary Report

Cash Summary: Money Received and Spent		Primary	General
1. Cash in Bank - Balance from previous report		\$2,399.38	\$0.00
2. Receipts - Total Received and deposited this period	+	\$500.00	\$0.00
	Subtotal	\$2,899.38	\$0.00
3. Expenditures - Total paid out this period	-	\$0.00	\$0.00
4. Cash in Bank - Ending Balance this report		\$2,899.38	\$0.00

Candidate Contributions

Election	Description	In-Kind	Value	Cash/Check Amount	Total to Date
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Loans

Entity	Occupation/ Employer	Election	Date	In-Kind Description	Value	Cash/Check Amount	Total to Date
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	05/29/2012	Gas	\$53.34	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Lihto Printing	Primary	06/05/2012	Campaign Party	\$290.14	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Lihto Printing	Primary	06/03/2012	Gas	\$46.62	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/03/2012	Food	\$16.89	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/01/2012	Food	\$5.08	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Lihto Printing	Primary	06/01/2012	mailing samples	\$9.52	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	05/30/2012	Gas	\$135.54	\$0.00	\$1,238.42(P) \$0.00(G)
		Primary	06/15/2012	Gas	\$99.75	\$0.00	\$1,238.42(P)

Entity	Occupation/ Employer	Election	Date	In-Kind Description	Cash/Check		Total to Date
					Value	Amount	
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing						\$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/13/2012	Printing more thank you cards	\$46.00	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	SALES Advanced Litho Printing	Primary	06/11/2012	Printing thank you cards and envelopes	\$72.25	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/10/2012	food for crew	\$26.05	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/09/2012	Gas	\$100.00	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/09/2012	Food for crew 42.40	\$42.40	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/08/2012	Food	\$3.99	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Sales Advanced Litho Printing	Primary	06/07/2012	Gas to take signs down	\$87.65	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	SALES Advanced Litho Printing	Primary	06/04/2012	Hair cut for TV interview	\$37.00	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	SALES Advanced Litho Printing	Primary	06/20/2012	Gas to take signs down	\$99.78	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	SALES Advanced Litho Printing	Primary	06/18/2012	food taking signs down	\$17.17	\$0.00	\$1,238.42(P) \$0.00(G)
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	SALES AND MARKETING Advanced Litho Printing	Primary	06/17/2012	food to take down signs	\$24.25	\$0.00	\$1,238.42(P) \$0.00(G)

Fundraisers

Entity	Election	Purpose	Date	In-Kind Description	Cash/Check		Total to Date
					Value	Amount	

Committee Contributions

Entity	Committee Type	Election	Date	In-Kind Description	Cash/Check		Total to Date
					Value	Amount	
NRA political victory fund 11250 Waples Mill Road, Fairfax, VA 22030	Political Action Committee Contributions	Primary	05/25/2012		\$0.00	\$160.00	\$160.00(P) \$0.00(G)

Individual Contributors (Total Contributions < \$35: (\$9,129.75))

Entity	Occupation/ Employer	Election	In-Kind Description	Cash/Check		Total to Date
				Value	Amount	
Benjamin, Steve 60 Country Ln, Great Falls, MT 59404	Genral Manager Self	Primary		\$0.00	\$100.00	\$100.00(P) \$0.00(G)
Keder, Daniel 4717 57th Ave SW, Great Falls, MT 59404		Primary		\$0.00	\$50.00	\$50.00(P) \$0.00(G)

Entity	Occupation/ Employer	Election	In-Kind Description	Value	Cash/Check Amount	Total to Date
Marten, Tom 3117 6th Ave south, Great Falls, MT 59405	Retired Retired	Primary		\$0.00	\$40.00	\$40.00(P) \$0.00(G)
Sands, Hugh D 175 n Fort Shaw RD, Fort Shaw, MT 59443	Retired Retired	Primary		\$0.00	\$50.00	\$50.00(P) \$0.00(G)
Shannon, Rick 120 Laura Lane, Vaughn, MT 59487		Primary		\$0.00	\$50.00	\$50.00(P) \$0.00(G)
Stetson, Jennifer 31 Sun River road, Sun River, MT 59483		Primary		\$0.00	\$50.00	\$50.00(P) \$0.00(G)

Expenditures: Petty Cash

Election	Purpose	Date	Amount
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Expenditures: Other

Entity	Election	Purpose	Date	Amount
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Debts

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
3D international Black Eagle Mt, Black Eagle, MT	Primary	Loan	meals	04/30/2012	\$49.40	\$49.40
3D international , Black Eagle, MT	Primary	Loan		04/22/2012	\$42.20	\$42.20
bloomsrwr 37160 VA, VA	Primary	Loan		04/06/2012	\$9.99	\$9.99
Burger King Great Falls mt, Great Falls, MT	Primary	Loan	meal	03/31/2012	\$5.69	\$5.69
Cafe Rio 900 10th Ave south, Great Falls, MT 59405	Primary	Loan		04/23/2012	\$34.54	\$34.54
Carinos Italian 2159 west Burke street Bozeman, Bozeman, MT 59718	Primary	Loan	Meals	04/04/2012	\$81.82	\$81.82
Cartridge world , Great Falls, MT	Primary	Loan	Ink for printer	04/10/2012	\$75.25	\$75.25
Chilis grill 1420 Market place Drive, Great Falls, MT	Primary	Loan	meals	03/14/2012	\$27.16	\$27.16
Chinatown Restaurant Great Falls mt, Great Falls, MT	Primary	Loan	meals	05/06/2012	\$21.65	\$21.65
constant contact , MA	Primary	Loan	web page	04/12/2012	\$15.00	\$15.00
Dairy Queen Great Falls mt, Great Falls, MT	Primary	Loan	meals	04/24/2012	\$3.99	\$3.99
Dairy Queen 310 6 th ave south, Great Falls, MT	Primary	Loan	meals	05/07/2012	\$7.98	\$7.98
Dairy Queen Great Falls mt, Great Falls, MT	Primary	Loan	meals	05/14/2012	\$9.98	\$9.98
Dairy Queen Fox Farm, Great Falls, MT 59405	Primary	Loan		05/05/2012	\$26.16	\$26.16
Dillard's Billings MT, Billings, MT	Primary	Loan	tie,shirt,shoes.	04/03/2012	\$160.50	\$160.50
Exxonmobil , Great Falls, MT	Primary	Loan	fuel	04/20/2012	\$98.83	\$98.83
Exxonmobil , Great Falls, MT	Primary	Loan	fuel	04/14/2012	\$99.79	\$99.79
Hardees 101 1rst ave north, Great Falls, MT	Primary	Loan	Meals	05/10/2012	\$6.54	\$6.54

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
Holiday station store 1601 fox farm, Great Falls, MT	Primary	Loan	fuel	04/30/2012	\$45.60	\$45.60
Holiday Stationstores Great Falls mt, Great Falls, MT	Primary	Loan	fuel food	05/07/2012	\$172.70	\$172.70
Home Depot 1500 Market PL Drive, Great Falls, MT 59404	Primary	Loan		04/27/2012	\$14.82	\$14.82
Home Depot 1500 Market PL Drive, Great Falls, MT	Primary	Loan	Rebar	04/18/2012	\$25.06	\$25.06
macaroni grill Great Falls mt, Great Falls, MT	Primary	Loan	meals	04/15/2012	\$112.88	\$112.88
MC donalds , Great Falls, MT 59405	Primary	Loan	meals	04/11/2012	\$5.95	\$5.95
Mings chinse rstmt 3212 10th Ave South, Great Falls, MT 59405	Primary	Loan		04/30/2012	\$20.00	\$20.00
Mod West Missoula, Missoula, MT	Primary	Loan	Web	04/19/2012	\$90.09	\$90.09
NRA Great Falls mt, Great Falls, MT 59405	Primary	Loan		05/19/2012	\$1,249.00	\$1,249.00
NRA Great Falls mt, Great Falls, MT 59405	Primary	Loan		05/19/2012	\$70.00	\$70.00
NRA Great Falls mt, Great Falls, MT 59405	Primary	Loan		04/25/2012	\$115.00	\$115.00
Olive Garden 2201 Grant RD, Billings, MT	Primary	Loan	meals	04/02/2012	\$54.45	\$54.45
Out door world Missoula, Missoula, MT	Primary	Loan	web	04/29/2012	\$99.95	\$99.95
Pinocci, Randy 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan	Loan	03/15/2011	\$3,000.00	\$3,000.00
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		05/29/2014	\$53.34	\$53.34
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/05/2014	\$290.14	\$290.14
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/03/2012	\$46.62	\$46.62
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		07/03/2012	\$16.89	\$16.89
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/01/2012	\$5.08	\$5.08
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/01/2012	\$9.52	\$9.52
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		05/30/2012	\$135.54	\$135.54
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/15/2012	\$99.75	\$99.75
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/13/2012	\$46.00	\$46.00
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/11/2012	\$72.25	\$72.25
	Primary	Loan		06/10/2012	\$26.05	\$26.05

Entity	Election	Type	Purpose	Date	Debt Amount	Balance Due
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483						
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/09/2012	\$100.00	\$100.00
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/09/2012	\$42.40	\$42.40
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/08/2012	\$3.99	\$3.99
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/07/2012	\$87.65	\$87.65
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/04/2012	\$37.00	\$37.00
Pinocci, Randy S 66 Sun River Cascade road, Sun River	Primary	Loan	General Consulting invoice 424 and 483 = \$1798.12	06/04/2012	\$1,798.12	\$1,798.12
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan	meals	04/28/2012	\$17.36	\$17.36
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/20/2013	\$99.78	\$99.78
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/18/2012	\$17.17	\$17.17
Pinocci, Randy S 66 Sun River Cascade road, Sun River, MT 59483	Primary	Loan		06/17/2012	\$24.25	\$24.25
Ramano's Macaroni grill 1420 Market place Drive, Great Falls, MT 59405	Primary	Loan		03/18/2012	\$63.65	\$63.65
Red Lobster 2250 king Ave W, Billings, MT 59102	Primary	Loan		04/03/2011	\$119.78	\$119.78
Steel ETC 1408 52 Street North, Great Falls, MT 59405	Primary	Loan		04/19/2012	\$62.45	\$62.45

Payments Only

Entity	Type	Debt Amount	Date	Paid Amount	Balance Due
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BEFORE THE COMMISSIONER
OF POLITICAL PRACTICES

Jonathan Motl, Commissioner

to

Randy Pinocci

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No. NC-01-11

ORDER OF NONCOMPLIANCE

GREETINGS FROM THE STATE OF MONTANA:

1. WHEREAS, the above-named individual was a candidate for the Montana legislature, House District 18, in the 2012 Republican Primary Election, as evidenced by an examination of a Statement of Organization filed with the Commissioner of Political Practices; and

2. WHEREAS, on examination of the official records on file with the Commissioner of Political Practices, the above-named individual has failed to file with the commissioner in timely manner a post-election report of contributions and expenditures conforming to the requirements of sections 13-37-229, 230 MCA, and ARM §§ 44.10.511, 515,525,531and 535, together with the directions set out in the COPP accounting and reporting manual for candidates.

3. WHEREAS, despite information provided to the above-named individual relative to committee reporting obligations, the above-named individual late filed on June 6, 2014 a campaign finance report due June 23, 2012 but still failed to file a campaign finance report that conformed to the requirements the above listed law.

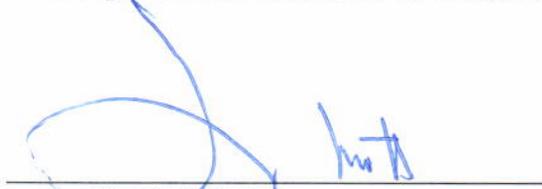
4. IT IS THEREFORE ORDERED that the above-named individual is, and is declared to be, in NONCOMPLIANCE with Montana's campaign finance law by filing a campaign finance report that does not conform to disclosure requirements set out in law, including but not limited to sections 13-37-229, 230 MCA, and ARM §§ 44.10.511, 515,525,531and 535, together with the directions set out in the COPP accounting and reporting manual for candidates.

5. IT IS FURTHER ORDERED that the county attorney of Lewis and Clark County, that being the county in which the alleged violation has occurred, or the commissioner may, on failure by the above-named individual to submit an appropriate campaign finance report within five (5) days after receiving this Order of Noncompliance¹, initiate civil action pursuant to sections 13-37-124 and 13-37-128, MCA and take such further action as is appropriate; and

¹ This Order will be served by mail, with the five day response period beginning three days (thereby allowing time for service by mail) from the date of signature of the Order.

6. FURTHER, if the above-named individual is aggrieved by the issuance of this Order of Noncompliance, the above-named individual may seek judicial review in the District Court of the county specified in the aforementioned section 5 pursuant to section 13-37-122, MCA.

Dated this 18th day of June, 2014.



JONATHAN MOTL
Commissioner of Political Practices
P. O. Box 202401
1205 8th Avenue
Helena, Montana 59620
Telephone: (406) 444-2942