

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

POSTMARKED

FEB 17 2014

FOR OFFICE USE ONLY

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2014 FEB 24 A 9:54

COMMISSIONER OF
HAND DELIVERED POLITICAL NOTICES

CERTIFIED MAIL

SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (10/09)

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

Person bringing complaint (Complainant):

Complete Name DAVID A. PONTE

Complete Mailing Address 308 Comfort Lane
Bozeman MT 59718

Phone Numbers: Work _____ Home 406 586 2105

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

Complete Name David B. Gallik

Complete Mailing Address 1705 5th Avenue 1124 Billings Avenue
Helena, MT 59601 Helena, MT 59601

Phone Numbers: Work 406-443-0009 Home 406-449-1366

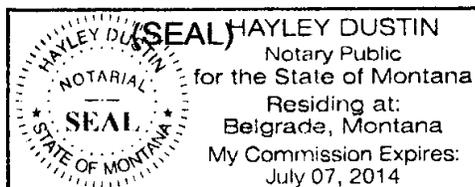
Please complete the second page of this form and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of Gallatin

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

David A. Ponte
Signature of Complainant



Subscribed and sworn to before me this 21 day of February, 2014.

Hayley Dustin
Notary Public

My Commission Expires:

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

In October 2008 David B. Gallik formally filed organization papers for Council for a Sustainable America ("CSA"), a 527 Political Organization. Gallik identified himself as the Custodian of Records, Contact Person, and Treasurer for CSA. Gallik continued to file reports for that organization as its Treasurer. (Exhibit A.)

In May 2011 former Governor Brian Schweitzer appointed David B. Gallik to the position of Montana Commissioner of Political Practices. Gallik accepted the appointment even though he continued to serve as the Custodian of Records, Contact Person, and Treasurer for CSA.

On August 15, 2011, Gallik, as Treasurer, filed a form 990-EZ for CSA. This occurred while Gallik was serving as Commissioner of Political Practices. (Exhibit B.)

Section 13-37-108, Mont. Code Ann. sets forth specific restrictions on the Commissioner of Political Practices. Importantly, subsection (3) of that statute provides that during the commissioner's term of office, the commissioner may not knowingly, "participate in any political activity or in a political campaign." CSA is a political organization and Gallik clearly participated in CSA's activities as evidenced by the fact he filed a form 990-EZ as its treasure in August 2011. This provision is excluded from the ethics statutes; therefore, it must be filed as a campaign practices complaint.

Gallik's involvement with CSA came to light in a 2013 article by Great Falls Tribune reporter John Adams.

It appears Gallik was in violation of 13-37-108(3) the entire time he served as Commissioner and it is unknown when, or if, he ceased involvement with CSA. He should be forced to return ALL pay he received from the State of Montana, including the value of benefits he received.

Complaints must be:

- signed
- notarized
- delivered in person or by certified mail.

EXHIBIT A

**Political Organization
Notice of Section 527 Status**

Part I General Information

1 Name of organization

Council for a Sustainable America

Employer identification number

80 - 0287532

2 Mailing address (P.O. box or number, street, and room or suite number)

P.O. Box 1742

City or town, state, and ZIP code

Helena, MT 59624 -

3 Check applicable box: Initial notice Amended notice Final notice

4a Date established

10/23/2008

4b Date of material change

5 E-mail address of organization

sustainableamerica@gmail.com

6a Name of custodian of records

David B. Gallik

6b Custodian's address

P.O. Box 1742

Helena, MT 59624 -

7a Name of contact person

David B. Gallik

7b Contact person's address

P.O. Box 1742

Helena, MT 59624 -

8 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number

P.O. Box 1742

City or town, state, and ZIP code

Helena, MT 59624 -

9a Election authority

NONE

9b Election authority identification number

Part II Notification of Claim of Exemption From Filing Certain Forms (see instructions)

10a Is this organization claiming exemption from filing Form 8872, Political Organization Report of Contributions and Expenditures, as a qualified state or local political organization? Yes No

10b If 'Yes,' list the state where the organization files reports:

11 Is this organization claiming exemption from filing Form 990 (or 990-EZ), Return of Organization Exempt from Income Tax, as a caucus or associations of state or local officials? Yes No

Part IV List of All Related Entities (see instructions)

13 Check if the organization has no related entities

..... ✓

14a Name of related entity	14b Relationship	14c Address
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Part V List of All Officers, Directors, and Highly Compensated Employees (see instructions)

15a Name	15b Title	15c Address
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David B. Gallik	Treasurer	P.O. Box 1742 Helena, MT 59624 -
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Under penalties of perjury, I declare that the organization named in Part I is to be treated as a tax-exempt organization described in section 527 of the Internal Revenue Code, and that I have examined this notice, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that I am the official authorized to sign this report, and I am signing by entering my name below.

David B. Gallik

10/24/2008

Sign Here



Name of authorized official



Date

Political Organization Report of Contributions and Expenditures

OMB No. 1545-1696

▶ See separate instructions.

A For the period beginning 11/25/2008 and ending 12/31/2008

B Check applicable box: Initial report Change of address Amended report Final report

1 Name of organization: Council for a Sustainable America
Employer identification number: 80 - 0287532

2 Mailing address (P.O. box or number, street, and room or suite number):
P.O. Box 1742

City or town, state, and ZIP code:
Helena, MT 59624 -

3 E-mail address of organization: sustainableamerica@gmail.com
4 Date organization was formed: 10/23/2008

5a Name of custodian of records: David B. Gallik
5b Custodian's address: P.O. Box 1742, Helena, MT 59624 -

6a Name of contact person: David B. Gallik
6b Contact person's address: P.O. Box 1742, Helena, MT 59624 -

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number:
P.O. Box 1742

City or town, state, and ZIP code:
Helena, MT 59624 -

8 Type of report (check only one box)

<input type="checkbox"/> First quarterly report (due by April 15)	<input type="checkbox"/> Monthly report for the month of: (due by the 20th day following the month shown above, except the December report, which is due by January 31)
<input type="checkbox"/> Second quarterly report (due by July 15)	<input type="checkbox"/> Pre-election report (due by the 12th or 15th day before the election)
<input type="checkbox"/> Third quarterly report (due by October 15)	(1) Type of election:
<input checked="" type="checkbox"/> Year-end report (due by January 31)	(2) Date of election:
<input type="checkbox"/> Mid-year report (Non-election year only-due by July 31)	(3) For the state of:
	<input type="checkbox"/> Post-general election report (due by the 30th day after general election)
	(1) Date of election:
	(2) For the state of:

9 Total amount of reported contributions (total from all attached Schedules A) 9. \$ 0

10 Total amount of reported expenditures (total from all attached Schedules B) 10. \$ 0

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Daniel J. Taylor

02/04/2009

Sign Here

Signature of authorized official

Date

Form **8872**
(November 2002)

Department of the Treasury
Internal Revenue Service

Political Organization Report of Contributions and Expenditures

OMB No. 1545-1696

▶ See separate instructions.

A For the period beginning 01/01/2009 and ending 06/30/2009

B Check applicable box: Initial report Change of address Amended report Final report

1 Name of organization: Council for a Sustainable America
Employer identification number: 80 - 0287532

2 Mailing address (P.O. box or number, street, and room or suite number)
P.O. Box 1742

City or town, state, and ZIP code
Helena, MT 59624 -

3 E-mail address of organization: sustainableamerica@gmail.com
4 Date organization was formed: 10/23/2008

5a Name of custodian of records: David B. Gallik
5b Custodian's address: P.O. Box 1742, Helena, MT 59624 -

6a Name of contact person: David B. Gallik
6b Contact person's address: P.O. Box 1742, Helena, MT 59624 -

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
P.O. Box 1742

City or town, state, and ZIP code
Helena, MT 59624 -

8 Type of report (check only one box)

- First quarterly report (due by April 15)
- Second quarterly report (due by July 15)
- Third quarterly report (due by October 15)
- Year-end report (due by January 31)
- Mid-year report (Non-election year only-due by July 31)
- Monthly report for the month of: (due by the 20th day following the month shown above, except the December report, which is due by January 31)
- Pre-election report (due by the 12th or 15th day before the election)
 - (1) Type of election:
 - (2) Date of election:
 - (3) For the state of:
- Post-general election report (due by the 30th day after general election)
 - (1) Date of election:
 - (2) For the state of:

9 Total amount of reported contributions (total from all attached Schedules A) **9.** \$ 341500

10 Total amount of reported expenditures (total from all attached Schedules B) **10.** \$ 0

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

David B. Gallik

08/04/2009

Sign Here

Signature of authorized official

Date

Schedule A Itemized Contributions

Schedule A

Contributor's name, mailing address and ZIP code Yvette Dobbie 436 Locust St Laguna Beach, CA 92651 -	Name of contributor's employer Self employed Contributor's occupation Businesswoman Aggregate contributions year-to-date \$ 2000	Amount of contribution \$ 2000 Date of contribution 03/10/2009
Contributor's name, mailing address and ZIP code Daily Consulting 31912 Sunset Ave. Laguna Beach, CA 92651 -	Name of contributor's employer N/A Contributor's occupation N/A Aggregate contributions year-to-date \$ 1000	Amount of contribution \$ 1000 Date of contribution 03/10/2009
Contributor's name, mailing address and ZIP code Amy Stody 26821 Chelsea Ln. Laguna Hills, CA 92653 - 7507	Name of contributor's employer Stody, Mills, Lansford, Walker & Doyle Contributor's occupation Attorney Aggregate contributions year-to-date \$ 500	Amount of contribution \$ 500 Date of contribution 01/16/2009
Contributor's name, mailing address and ZIP code Leigh Steinberg Sports & Entertainment 660 Newport Center Dr, Ste. 1000 Newport Beach, CA 92660 - 8028	Name of contributor's employer N/A Contributor's occupation N/A Aggregate contributions year-to-date \$ 500	Amount of contribution \$ 500 Date of contribution 01/16/2009
Contributor's name, mailing address and ZIP code Democratic Governors Association 1401 K St., NW, Ste. 200 Washington, DC 20005 -	Name of contributor's employer N/A Contributor's occupation N/A Aggregate contributions year-to-date \$ 335000	Amount of contribution \$ 335000 Date of contribution 03/10/2009
Contributor's name, mailing address and ZIP code Michael Ray 2699 White Rd., Ste. 150 Irvine, CA 92614 -	Name of contributor's employer Sanderson J. Ray Construction Contributor's occupation Owner Aggregate contributions year-to-date \$ 2500	Amount of contribution \$ 2500 Date of contribution 01/16/2009

Form **8872**
(November 2002)

Political Organization Report of Contributions and Expenditures

OMB No. 1545-1696

Department of the Treasury
Internal Revenue Service

▶ See separate instructions.

A For the period beginning 07/01/2009 **and ending** 12/31/2009

B Check applicable box: Initial report Change of address Amended report Final report

1 Name of organization Council for a Sustainable America **Employer identification number** 80 - 0287532

2 Mailing address (P.O. box or number, street, and room or suite number)
P.O. Box 1742

City or town, state, and ZIP code
Helena, MT 59624 -

3 E-mail address of organization: sustainableamerica@gmail.com **4 Date organization was formed:** 10/23/2008

5a Name of custodian of records David B. Gallik **5b Custodian's address** P.O. Box 1742
Helena, MT 59624 -

6a Name of contact person David B. Gallik **6b Contact person's address** P.O. Box 1742
Helena, MT 59624 -

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
P.O. Box 1742

City or town, state, and ZIP code
Helena, MT 59624 -

8 Type of report (check only one box)

- First quarterly report (due by April 15)
- Second quarterly report (due by July 15)
- Third quarterly report (due by October 15)
- Year-end report (due by January 31)
- Mid-year report (Non-election year only-due by July 31)
- Monthly report for the month of: (due by the 20th day following the month shown above, except the December report, which is due by January 31)
- Pre-election report (due by the 12th or 15th day before the election)
 - (1) Type of election:
 - (2) Date of election:
 - (3) For the state of:
- Post-general election report (due by the 30th day after general election)
 - (1) Date of election:
 - (2) For the state of:

9 Total amount of reported contributions (total from all attached Schedules A)..... 9. \$ 0

10 Total amount of reported expenditures (total from all attached Schedules B)..... 10. \$ 17500

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

David B. Gallik

02/01/2010

Sign Here

Signature of authorized official

Date

Form 8872 (11-2002)

Schedule B Itemized Expenditures

Schedule B

Recipient's name, mailing address and ZIP code

Global Strategy Group
895 Broadway, 5th Floor
New York, NY 10003 -

Name of recipient's employer

N/A

Recipients's occupation

N/A

Amount of Expenditure

\$ 17500

Date of expenditure

08/20/2009

Purpose of expenditure

survey research

Form **8872**
(November 2002)

Political Organization Report of Contributions and Expenditures

OMB No. 1545-1696

Department of the Treasury
Internal Revenue Service

▶ See separate instructions.

A For the period beginning 01/01/2010 and ending 03/31/2010

B Check applicable box: Initial report Change of address Amended report Final report

1 Name of organization: Council for a Sustainable America
Employer identification number: 80 - 0287532

2 Mailing address (P.O. box or number, street, and room or suite number)
P.O. Box 1742

City or town, state, and ZIP code:
Helena, MT 59624 -

3 E-mail address of organization: sustainableamerica@gmail.com
4 Date organization was formed: 10/23/2008

5a Name of custodian of records: David B. Gallik
5b Custodian's address: P.O. Box 1742
Helena, MT 59624 -

6a Name of contact person: David B. Gallik
6b Contact person's address: P.O. Box 1742
Helena, MT 59624 -

7 Business address of organization (if different from mailing address shown above). Number, street, and room or suite number
P.O. Box 1742

City or town, state, and ZIP code:
Helena, MT 59624 -

8 Type of report (check only one box)

- First quarterly report (due by April 15)
- Second quarterly report (due by July 15)
- Third quarterly report (due by October 15)
- Year-end report (due by January 31)
- Mid-year report (Non-election year only-due by July 31)
- Monthly report for the month of: (due by the 20th day following the month shown above, except the December report, which is due by January 31)
- Pre-election report (due by the 12th or 15th day before the election)
 - (1) Type of election:
 - (2) Date of election:
 - (3) For the state of:
- Post-general election report (due by the 30th day after general election)
 - (1) Date of election:
 - (2) For the state of:

9 Total amount of reported contributions (total from all attached Schedules A) **9.** \$ 0

10 Total amount of reported expenditures (total from all attached Schedules B) **10.** \$ 369466

Under penalties of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

David B. Gallik

04/15/2010

Sign Here

Signature of authorized official

Date

Schedule B Itemized Expenditures

Schedule B

Recipient's name, mailing address and ZIP code Friends of Martin O'Malley 1010 Hull Street, Suite 202 Baltimore, MD 21230 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 2500 Date of expenditure 01/11/2010
Purpose of expenditure Contribution		
Recipient's name, mailing address and ZIP code M.J. Ross Group PO Box 19037 Portland, OR 97280 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 934 Date of expenditure 02/16/2010
Purpose of expenditure Survey Research		
Recipient's name, mailing address and ZIP code Lichtman, Trister & Ross 1666 Connecticut Avenue NW Suite 500 Washington, DC 20009 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 2215 Date of expenditure 01/19/2010
Purpose of expenditure Legal Services		
Recipient's name, mailing address and ZIP code American Sustainability Project 1666 Connecticut Avenue NW Suite 500 Washington, DC 20009 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 306779 Date of expenditure 03/31/2010
Purpose of expenditure Contribution		
Recipient's name, mailing address and ZIP code M.J. Ross Group PO Box 19037 Portland, OR 97280 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 1114 Date of expenditure 01/29/2010
Purpose of expenditure Survey Research		
Recipient's name, mailing address and ZIP code M.J. Ross Group PO Box 19037 Portland, OR 97280 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 1424 Date of expenditure 03/10/2010
Purpose of expenditure Survey Research		
Recipient's name, mailing address and ZIP code Global Strategy Group 895 Broadway, 5th Floor New York, NY 10003 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 17500 Date of expenditure 01/12/2010
Purpose of expenditure Survey Research		
Recipient's name, mailing address and ZIP code Global Strategy Group 895 Broadway, 5th Floor New York, NY 10003 -	Name of recipient's employer N/A Recipients's occupation N/A	Amount of Expenditure \$ 37000 Date of expenditure 03/30/2010
Purpose of expenditure Survey Research		

EXHIBIT B

	Yes	No
45 Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)?	45	✓
a Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	45a	✓
46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	46	✓

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only. All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI

	Yes	No
47 Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II	47	
48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	48	
49a Did the organization make any transfers to an exempt non-charitable related organization?	49a	
b If "Yes," was the related organization a section 527 organization?	49b	

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances

f Total number of other employees paid over \$100,000

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
None		

d Total number of other independent contractors each receiving over \$100,000

52 Did the organization complete Schedule A? Note: All section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A Yes No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here: Rea Hofman Signature of officer, Treasurer Title, Aug 15, 2011 Date

Paid Preparer Use Only
 Preparer's name: Rea Hofman, Preparer's signature: [Signature], Date: 8/15/11, Check if self-employed, PTIN: P01482795
 Firm's name: Tristar, Ross, Schadler & Gold, PLLC, Firm's EIN: 52-1505938
 Firm's address: 1668 Connecticut, Ave NW, Suite 500, Washington, DC 20009, Phone no.: 202-328-1668

May the IRS discuss this return with the preparer shown above? See instructions Yes No

PONTE
208 COMFORT LANE
BOZEMAN, MT 59718

CERTIFIED MAIL™



7013 2630 0000 8816 6584



Commissioner of Political Practices
P.O. Box 20401
Helena, MT 59620-2401

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Commissioner of Political Practices
P.O. Box 202401
Helena, MT 59620-2401

2. Article Number

(Transfer from service label)

7013 2630 0000 8816 6584

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Tomusgrave

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

RECEIVED

D. Is delivery address different from item 1? Yes

if YES, enter delivery address below: No

2014 FEB 24 A 9:44

COMMISSIONER OF
POLITICAL PRACTICES

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

David Ponte
208 Comfort Lane
Buzman, NY 14718