

Commissioner of Political Practices  
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### 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 208 Comfort LN  
BOZEMAN MT 59718

Phone Numbers: Work \_\_\_\_\_ Home 586 2105

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

Complete Name Montana Business Advocates for Sensible Elections (MT BASE); Stop

Complete Mailing Address Dark Money; B&H Ranch; Steve Fitzpatrick; Tammi Fisher; etc.  
See attached list of respondents with addresses

Phone Numbers: Work \_\_\_\_\_ Home \_\_\_\_\_

**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 4<sup>th</sup> day of April, 2014.

Eyvind Ostrem  
Notary Public Eyvind Ostrem

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.

See detailed complaint attached.

**Complaints must be:**

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

Montana Business Advocates for Sensible Elections  
#151 300 Smelter Avenue NE, Suite 1  
Great Falls, MT 59404  
406-290-9451

Stop Dark Money  
#151 300 Smelter Avenue NE, Suite 1  
Great Falls, MT 59404  
406-271-3725

B&H Ranch  
501 Peterson Ranch Lane  
Buffalo, MT 59418  
406-374-2277

Standard Consulting  
1820 N. Last Chance Gulch  
Helena, MT 59601

Keesun Corporation  
P. O. Box 430  
Cut Bank, MT 59427

HiLine Redi-Mix LLC  
P. O. Box 370  
Shelby, MT 59474

Bay Materials, LLC  
P. O. Box 1077  
Shelby, MT 59474

Croft Petroleum Company  
214 N. Central  
P. O. Box 397  
Cut Bank, MT 59427

Hawley-Desimon, Inc.  
320 S. Illinois Street  
Conrad, MT 59425

Perceptive Strategies  
1820 N. Last Chance Gulch  
Helena, MT 59601

Bruce Tutvedt  
2335 West Valley Drive  
Kalispell, MT 59901

Tammi Fisher  
P. O. Box 1038  
Kalispell, MT 59903

Jesse O'Hara  
2221 Holly Court  
Great Falls, MT 59404

Steve Fitzpatrick  
3203 15<sup>th</sup> Avenue South  
Great Falls, MT 59405

Rob Cook  
223 1<sup>st</sup> Ave SW  
Conrad, MT 59425

Llewellyn Jones  
1102 4<sup>th</sup> Ave SW  
Conrad, MT 59425

William "Taylor" Brown  
775 Squaw Creek Road  
Huntley, MT 59037

### ***INTRODUCTION***

This complaint is filed against the following committees and candidates: Montana Business Advocates for Sensible Elections (MT BASE); Stop Dark Money; B&H Ranch Company; Standard Consulting; Keesun Corporation; HiLine Redi-Mix LLC; Bay Materials, LLC; Croft Petroleum Co.; Hawley-Desimon, Inc.; Perceptive Strategies; Bruce Tutvedt; Tammi Fisher; Jesse O'Hara; Steve Fitzpatrick; Rob Cook; Llewellyn Jones; and William Taylor Brown for improper naming of political committees; failure to file timely, complete and accurate reports; misrepresentation of identity of political committees; failure to timely file C-2 Statements of Organization; coordinated and unreported expenditures; and misrepresentation of contributions and expenditures. All evidence supporting this complaint is already on file with the Commissioner of Political Practices in the form of statements of organization, and candidate and committee financial reports. Attached as Exhibit 1 is the only document not currently on file with the Commissioner of Political Practices.

According to a June 3, 2013, article by Gazette State Bureau reporter Mike Dennison:

A Republican-led group Monday launched a campaign for a Montana ballot measure that would require disclosure of political “dark money,” which group members said is corrupting the state’s political system.

“We decided we need to do something about dark money, and return the power of the election back to the people,” said Sen. Jim Peterson, R-Butte, at a Great Falls news conference. “We think the people of Montana need to have a voice (on this issue), and we’re confident that they would like to see this dark money reported ... so they can follow the money.”

Peterson was joined at the conference by a half-dozen other Republican lawmakers, former superintendent of public instruction candidate Sandy Welch, and other supporters of the ballot-measure campaign.

Sen. Llew Jones, R-Conrad, who attended Monday’s news conference, said there “will never be truth in politics until voters can follow the money.”

“Transparency is not a partisan issue,” he said. “It is not partisan that those who speak freely, should have to freely identify themselves. ... Lies and half-truths literally were everywhere (in recent election campaigns). This appalled all Montanans, and it brought shame to the process.”

Hogwash! Most of the people named in this complaint are those who also claim to promote complete transparency in elections yet. As set forth below, those people are hypocrites who do exactly the opposite of what they say. Jim Peterson, Bruce Tutvedt, Jesse O’Hara, Rob Cook, Llewellyn Jones, Taylor Brown – shame on them all! The Commissioner cannot allow these people and organizations to continue to mock Montana’s campaign finance statutes and rules. Especially the elected officials and candidates involved! These people must be removed from office and prevented from being on the ballot.

### ***NAMING AND LABELING OF POLITICAL COMMITTEES***

**COMPLAINT AGAINST MONTANA BUSINESS ADVOCATES FOR SENSIBLE ELECTIONS – “MT BASE.”** The name “Montana Business Advocates for Sensible Elections” violates § 13-37-210, MCA, because the PAC name does not identify itself in a way that “specifically identifies their economic or special interest, or employer.” Section 13-37-201(1)(a)(i) and (ii) MCA, provide:

**13-37-210. Naming and labeling of political committees.** (1) Any political committee filing a certification and organizational statement pursuant to 13-37-201 shall:

(a) name and identify itself in its organization statement using a name or phrase:

(i) that clearly identifies the economic or special interest, if identifiable, of a majority of its contributors; and

(ii) if a majority of its contributors share a common employer, that identifies the employer.

In its June 2012 C-4 filed with the Commissioner of Political Practices, MT BASE reported contributions from Citizens for Responsible Government Employees of Northwestern Energy; B&H Ranch (owned by Senator Jim Peterson and his wife); Jessica Buttrey – wife of Senator Ed Buttrey; Carole Jones – wife of Senator Lew Jones; Rob Cook a sitting representative; Karen Hollandsworth – a relative of Representative Roy Hollandsworth. (Karen Hollandsworth may be Rep. Hollandsworth’s wife as they share the same address and she works for his business, Hollandsworth Grains); and John Fitzpatrick, father of Representative Steve Fitzpatrick. Of its 10 initial contributors, six were related to sitting legislators, or **60%**, which is a majority of contributors. The name does not reflect that majority common interest.

In its January 2014 C-4 filed with the Commissioner of Political Practices, MT BASE reported 37 individual contributions, 22 of which came from sitting or former legislators as follows: Senator Bruce Tutvedt; Senator Ed Buttrey; Representative Thomas Berry; Senator Carmine Mowbray; Representative Ray Shaw; Representative Rob Cook; Representative Duane Ankney; Representative Patrick Connell; Representative Steve Gibson; Representative Gary MacLaren; Senator Jim Shockley; Representative Walter McNutt; Senator Taylor Brown; Representative Roger Hagan; Senator Jim Peterson; Representative Roy Hollandsworth; Representative Daniel Salomon; Senator Lew Jones; Representative Jeff Welborn and Senator Alan Olson. These individuals

represent **59%** of the contributors, or a majority, who were sitting or former legislators with a common employer (State of Montana).

**COMPLAINT AGAINST STOP DARK MONEY.** Stop Dark Money is also in violation of § 13-37-210, MCA, naming and labeling of political committees. As noted below, Stop Dark Money and MT BASE are one in the same. MT BASE, the largest financial supporter of Stop Dark Money, has “loaned” Stop Dark Money \$21,887.49 as of its January 2, 2014, C-4. The name “Stop Dark Money” does not identify the economic or special interest of a majority of its contributors – MT BASE, former and current legislators. As with MT BASE, of Stop Dark Money’s 15 individual contributors, nine are former or current legislators.

MT BASE and Stop Dark Money are one in the same political action committee. They have the same address - #151, 300 Smelter Avenue, Suite #1, Great Falls, Montana; share a treasurer, Cynthia Johnson; and have bank accounts at the same financial institution – 1<sup>st</sup> Interstate Bank, P.O. Box 5010, Great Falls, MT. MT BASE and Stop Dark Money also have the following current or former legislator contributors in common: Representative Roger Hagan; Senator Jim Shockley; Representative Gary MacLaren; Senator Bruce Tutvedt; Senator Carmine Mowbray; Senator Jim Peterson; and Senator Taylor Brown. The public has a right to know that these two committees are the same!

### ***REPORTING VIOLATIONS***

**COMPLAINT AGAINST STOP DARK MONEY.** Stop Dark Money identified Cynthia Johnson on its C-2 Statement of Organization – MT BASE has never identified Cynthia Johnson as a treasurer or an officer on either of its C-2 Statements of Organization, yet Cynthia Johnson signed the January 2013 C-2 as the “recording secretary.” Cynthia Johnson is not listed as an officer on the C-2. Montana law requires disclosure of the name and address of all officers. The January 2013, Amended C-2 filed by Stop Dark Money is in violation of state law because it is not signed by a treasurer or an officer as required by § 13-37-201, MCA. Stop Dark Money also violated § 13-37-201,

MCA, by failing to file its C-2 within five days of making an expenditure. Stop Dark Money made its first expenditure in September 2013, but did not file its C-2 until October 10, 2013. For an organization that claims to promote full disclosure, the delay in filing a C-2 is offensive.

The following corporations and/or partnerships are in violation of §§ 13-37-201, 13-27-225 and 226, MCA, and ARM 44.10.531(4), for failing to file a C-2 within five days of making an expenditure; failing to state the purpose of the committee or identify the candidate or ballot issue it supported or opposed; and failing to properly report information on their C-4 finance reports:

- **COMPLAINT AGAINST B&H RANCH.** B&H Ranch made an expenditure sometime between May 25, 2012, and July 5, 2012, but did not file its C-2 until February 2013 **seven months late!** B&H Ranch is the business of Senator Jim Peterson and his wife Lorraine. B&H Ranch failed to report the date of its expenditure on its C-4 as required by law. (See C-2 and C-4 of B&H Ranch on file with the Commissioner of Political Practices.)
- **COMPLAINT AGAINST KEESUN CORPORATION.** MT BASE reported a contribution from Keesun Corporation on September 28, 2012, making that the date of Keesun Corporation's first expenditure. Keesun Corporation did not file its C-2 until June 6, 2013, **more than eight months late!** Keesun Corporation failed to state its purpose, or identify the candidates or ballot issues it supported or opposed. Keesun Corporation's C-4 financial report states it made an expenditure (contribution to MT BASE) between 5-25-12 and 7-5-12; MT BASE C-4 says it received Keesun Corporation's contribution on 9-28-12. Either MT BASE falsely reported the date it received the contribution or Keesun Corporation falsely reported the "time period" of its expenditure. Keesun Corporation failed to provide the actual date of its expenditure to MT BASE as required by law. (See C-2 and C-4 of Keesun Corporation on file with the Commissioner of Political Practices.)

- **COMPLAINT AGAINST HILINE REDI-MIX, LLC.** MT BASE reported a contribution from HiLine Redi-Mix, LLC, on September 28, 2012, making that the date of HiLine Redi-Mix 's first expenditure. HiLine Redi-Mix did not file its C-2 until June 6, 2013, **more than eight months late!** HiLine Redi-Mix failed to state its purpose, or identify the candidates or ballot issues it supported or opposed. HiLine Redi-Mix's C-4 financial report states it made an expenditure (contribution to MT BASE) between 5-25-12 and 7-5-12; MT BASE C-4 says it received HiLine Redi-Mix's contribution on 9-28-12. Either MT BASE falsely reported the date it received the contribution or HiLine Redi-Mix falsely reported the "time period" of its expenditure. HiLine Redi-Mix failed to provide the actual date of its expenditure to MT BASE as required by law. (See C-2 and C-4 of HiLine Redi-Mix on file with the Commissioner of Political Practices.)
- **COMPLAINT AGAINST BAY MATERIALS, LLC.** MT BASE reported a contribution from Bay Materials, LLC, on September 28, 2012, making that the date of Bay Materials' first expenditure. Bay Materials did not file its C-2 until June 6, 2013, **more than eight months late!** Bay Materials failed to state its purpose, or identify the candidates or ballot issues it supported or opposed. Bay Materials' C-4 financial report states it made an expenditure (contribution to MT BASE) between 5-25-12 and 7-5-12; MT BASE C-4 says it received Bay Materials' contribution on 9-28-12. Either MT BASE falsely reported the date it received the contribution or Bay Materials falsely reported the "time period" of its expenditure. Bay Materials failed to provide the actual date of its expenditure to MT BASE as required by law. (See C-2 and C-4 of Bay Materials on file with the Commissioner of Political Practices.)
- **COMPLAINT AGAINST CROFT PETROLEUM COMPANY.** MT BASE reported a contribution from Croft Petroleum Company on September 28, 2012, making that the date of Croft Petroleum's first expenditure. Croft Petroleum did not file its C-2 until June 6, 2013, **more than eight months late!** Croft

Petroleum failed to state its purpose, or identify the candidates or ballot issues it supported or opposed. Croft Petroleum's C-4 financial report states it made an expenditure (contribution to MT BASE) between 5-25-12 and 7-5-12; MT BASE C-4 says it received Croft Petroleum's contribution on 9-28-12. Either MT BASE falsely reported the date it received the contribution or Croft Petroleum falsely reported the "time period" of its expenditure. Croft Petroleum failed to provide the actual date of its expenditure to MT BASE as required by law. (See C-2 and C-4 of Croft Petroleum on file with the Commissioner of Political Practices.)

- **COMPLAINT AGAINST HAWLEY-DESIMON, INC.** MT BASE reported a contribution from Hawley-Desimon, Inc., on September 28, 2012, making that the date of Hawley-Desimon's first expenditure. Hawley-Desimon did not file its C-2 until June 6, 2013, **more than eight months late!** Hawley-Desimon failed to state its purpose, or identify the candidates or ballot issues it supported or opposed. Hawley-Desimon's C-4 financial report states it made an expenditure (contribution to MT BASE) between 5-25-12 and 7-5-12; MT BASE C-4 says it received Hawley-Desimon's contribution on 9-28-12. Either MT BASE falsely reported the date it received the contribution or Hawley-Desimon falsely reported the "time period" of its expenditure. Hawley-Desimon failed to provide the actual date of its expenditure to MT BASE as required by law. (See C-2 and C-4 of Hawley-Desimon on file with the Commissioner of Political Practices.)

MT BASE reported \$15,316 in under \$35 contributions on its January 2014 C-4. That would mean it received less than \$35 from at least 438 people. It is highly, and highly suspect, that MT BASE received contributions under \$35 from 438 people, let alone that none of those contributors reached the reporting threshold of \$35.

### ***COORDINATION***

**COMPLAINT AGAINST MT BASE.** MT BASE paid \$1,478.22 to McGaughey Enterprises, Inc., Coeur d'Alene, ID, on 11/12/12 for "fair share of legislative kick-off

party.” (See MT BASE C-4 for the reporting period October 21 through November 21, 2012. The description is insufficient to explain the expenditure. If MT BASE paid its “fair share” of a legislative kick-off party, what was the full value? Which committee or candidate paid the rest of the “fair share” of this expenditure? This expenditure was made in conjunction with a “contribution” to Pat McGaughey from Bruce Tutvedt, and a “facilitation services” expenditure to McGaughey Enterprises from Taylor Brown. There can be no doubt this was a coordinated expenditure with as defined at ARM 44.10.323(4)

**COMPLAINT AGAINST SENATOR BRUCE TUTVEDT.** Senator Bruce Tutvedt’s C-5 for the period October 26 through November 26, 2012, reports Tutvedt “donated” \$1,200 to “Patrick McGaughey” on 11/20/12. Patrick McGaughey was not a candidate – he is the owner of McGaughey Enterprises, Inc. There can be no doubt this was a coordinated expenditure with MT BASE as defined at ARM 44.10.323(4). The coordinated expenditure was an in-kind contribution to Tutvedt’s campaign and was far in excess of the contribution limit in 2012. Tutvedt failed to report the in-kind contribution from MT BASE on his October/November 2012 C-5 as required by ARM 44.10.511, ARM 44.10.513, and §§ 13-37-201, 13-27-225 and 226, MCA. Patrick McGaughey is the owner of McGaughey Enterprises, Inc., and was not a candidate for public office in 2012. Tutvedt’s “contribution” to Patrick McGaughey was an illegal expenditure pursuant to § 13-1-101(11)(a), MCA, because it was not made for the purpose of influencing the results of an election.

**COMPLAINT AGAINST SENATOR TAYLOR BROWN.** Senator Taylor Brown paid \$1,071.78 to McGaughey Enterprises on 11/12/12 for “facilitation services.” There can be no doubt this was a coordinated expenditure with MT BASE as defined at ARM 44.10.323(4). The coordinated expenditure was an in-kind contribution to Brown’s campaign and was far in excess of the contribution limit in 2012. Brown failed to report the in-kind contribution from MT BASE on his October/November 2012 C-5 as required by ARM 44.10.511, ARM 44.10.513, and §§ 13-37-201, 13-27-225 and 226, MCA.

## WHO IS PATRICK McGAUGHEY AND McGAUGHEY ENTERPRISES?

According to his website:

Patrick H. McGaughey, CPF, IOM is an international business speaker with a background of professional success in broadcasting and business association management. His professional experience combined with a constant examination of historical, current and future trends is the foundation for his presentations on business leadership, management, marketing, sales and personal performance.

Pat's career began in broadcasting as an on-air personality in Portland, Oregon and Phoenix Arizona. His broadcasting career evolved into sales and programming management positions where he led the rebuilding of two radio stations featuring record sales and ratings.

His early success in broadcasting was the foundation for Pat's successes as a business association executive where he led three Chambers of Commerce to membership and financial success. In Idaho, his Chamber of Commerce broke the 1,000 member barrier in a community of 24,000 and his annual events drew crowds of over 900 people proving that you can be big in any size community.

In his role as a business speaker and consultant, Patrick has been a regular faculty member for the United States Chamber of Commerce *Institute for Organization Management* at five major universities since 2000. A graduate (IOM) of the Institute, today Pat regularly receives the highest possible classroom evaluations from hundreds of business association and chamber of commerce professionals attending the program. On a lighter side, Pat is recognized as one of the Top 5 *Enter-Trainers* in the United States for his ability to help business audiences laugh a little and learn a lot, making his presentations highly informative and a great deal of fun.

Patrick and his wife Gail reside in the Pacific Northwest resort community of Coeur d'Alene, Idaho where they have two grown children, five grandchildren and a fishing boat always ready at a moment's notice.

## **COORDINATION AND ILLEGAL CORPORATE CONTRIBUTIONS.**

### **COMPLAINT AGAINST MT BASE, STANDARD CONSULTING, PERCEPTIVE STRATEGIES, BRUCE TUTVEDT, JESSE O'HARA, and STEVE FITZPATRICK.**

**FITZPATRICK.** MT BASE coordinated with Standard Consulting, Perceptive Strategies, and candidates Bruce Tutvedt, Jesse O'Hara, and Steve Fitzpatrick to create and distribute campaign slicks and mailers at a reduced cost resulting in-kind corporate contributions from MT BASE and Standard Consulting to Bruce Tutvedt and Jesse O'Hara, and in-kind corporate contributions from MT BASE and Perceptive Strategies to Steve Fitzpatrick.

- **The Montana Group.** 1820 N. Last Chance Gulch, Helena, MT – Registered Agent Dennis Iverson. The Montana Group promotes itself as follows:  
“Consulting in Montana politics, government affairs, and public relations. Whether it's organizing a grassroots advocacy campaign, lobbying in the Montana statehouse, or developing a comprehensive communications strategy, our unrivaled team of experts in Montana politics and policy has the tools to get the job done.”
- **Standard Consulting,** 1820 N. Last Chance Gulch, Helena, MT – provided consulting and design for radio and mailings re: O'Hara and Tutvedt. Registered Agent is an employee of The Montana Group.
- **Perceptive Strategies,** 1820 N. Last Chance Gulch, Helena, MT – provided mailer design, production, printing and postage re: Fitzpatrick. Registered agent is an employee of The Montana Group.

According to its website, The Montana Group provides the following services:

- ✓ Government Affairs
- ✓ Public Relations
- ✓ Data Analysis & Development
- ✓ Message Development
- ✓ Campaign Management & Consulting
- ✓ Association Management
- ✓ Grassroots Organization
- ✓ Web Development & Social Media
- ✓ Graphic Design
- ✓ Event Planning
- ✓ Campaign Finance Reporting & Compliance
- ✓ PAC Management

It would appear The Montana Group was already set up to provide services to political action committees for PAC management, and campaign finance reporting and compliance. There can be no doubt that The Montana Group created Standard Consulting and Perceptive Strategies for the express purpose of supporting certain candidates and providing discount printing services for those candidates. Standard Consulting and Perceptive Strategies charged less than the fair market value established by the Commissioner of Political Practices for services provided to MT BASE and the candidates.

MT BASE's former Treasurer, Fred Rausch, has admitted Jesse O'Hara was directly involved with creating the slick against his opponent. An review of Rausch's emails and phone logs will produce evidence that he, on behalf of MT BASE, coordinated with Tutvedt, O'Hara, and Fitzpatrick.

**COMPLAINT AGAINST MT BASE, BRUCE TUTVEDT, LLEWELYN JONES, ROB COOK, AND TAMMI FISHER.** MT BASE, Bruce Tutvedt, Llewellyn Jones, Rob Cook, and Tammi Fisher coordinated to orchestrate an opposition campaign against Rollan Roberts as evidenced by emails attached as Exhibit 1. As evidenced by the emails, Tutvedt, Jones, Cook, and Fisher constituted a political committee required to register and report. MT BASE made expenditures in May 2012 to support Tutvedt and oppose Roberts. These expenditures were during the time of the emails. Tutvedt, Jones, Cook, and Fisher all contributed to MT BASE.

## ***CONCLUSION***

These people and organizations must be exposed for what they really are! The Commissioner must find Montana Business Advocates for Sensible Elections (MT BASE); Stop Dark Money; B&H Ranch Company; Standard Consulting; Keesun Corporation; HiLine Redi-Mix LLC; Bay Materials, LLC; Croft Petroleum Co.; Hawley-Desimon, Inc.; Perceptive Strategies; Bruce Tutvedt; Tammi Fisher; Jesse O'Hara; Steve Fitzpatrick; Rob Cook; Llewellyn Jones; and William Taylor Brown in violation of Montana campaign finance and practices laws. The Commissioner must remove Tutvedt, Jones, Brown; Cook, Fitzpatrick, and O'Hara from office; and prevent candidate Tammi Fisher from being on the ballot in 2014.

**From:** Bruce Tutvedt [<mailto:tutvedt@montanasky.us>]  
**Sent:** May 2012  
**To:** Llew Jones ([lcjones@3rivers.net](mailto:lcjones@3rivers.net)); 'Tammi Fisher'; 'Rob Cook'

Llew Jones phone number  
271-3104  
289-0345  
Tammi Fisher  
370-6776  
Rob Cook  
278-7535

**From:** Bruce Tutvedt [<mailto:tutvedt@montanasky.us>]  
**Sent:** April 2012

Had a good chat with Llew. We need to know the lay of the land before we shoot. We are better with both nut cases in the race. If Jayson drops out then we need to be ready. The stuff to act will be ready. To sink Rollan early with Jayson still in would be counterproductive.  
Bruce

**EXHIBIT 1**