

SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jonathan R. Motl, in his official capacity as the current Montana Commissioner of Political Practices (hereinafter "the Commissioner") and the following party: Montana Business Advocates for Sensible Elections (MT BASE) (hereinafter "the Respondent").

Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana's campaign finance and practices laws and rules, §§13-37-124 and 13-37-128 Mont. Code Ann. In order to avoid litigation, the Commissioner and the Respondent enter into this agreement to resolve this matter.

1. The Commissioner acknowledges that Mr. Ponte filed a Campaign Finance and Practices Complaint against the Respondent and a number of additional corporations for violation of Montana's campaign finance and practices laws on April 7, 2014.
2. On September 8, 2014 the Commissioner issued a Summary of Facts and Finding of Sufficient Evidence to Show a Violation of Montana's Campaign Practices Act, the Commissioner's cause number COPP-2014-CFP-0012 (hereinafter "the Decision"). The Decision determined that B&H Ranch; Kessun Corporation; HiLine Redi-Mix, LLC; Bay Materials, LLC; Croft Petroleum Company; and Hawley-Desimon, Inc. failed to comply with certain campaign finance and practices laws and administrative regulations.
3. Each of the corporations made a contribution to the Respondent, a duly registered Montana political committee. The Respondent has contacted the Commissioner and accepted responsibility for the reporting violations of the corporations, as the Respondent advised the corporations on how to report to the Commissioner.
4. The Respondent apologizes to the people of Montana for failing to accurately advise their corporate contributors on their disclosure and reporting responsibilities with the Commissioner of Political Practices.
5. The Respondent acknowledges that they have read and understands the Commissioner's decision issued in the above referenced cause.

6. The Respondent acknowledges the findings of fact contained in the Decision and admits that they failed to advise their corporate contributors regarding the timely filing of reports and disclosure to the Commissioner of Political Practices Office in violation of §13-37- 226(5) Mont. Code Ann.
7. The Respondent acknowledges that the failure to timely file campaign reports and disclosures is a violation of the public trust.
8. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, and a payment of a civil fine in the amount of \$600.00 by the Respondent, fully and finally resolves all of the issues as set forth in the Decision.
9. Simultaneously with the return of the executed settlement agreement the Respondent will remit to the Commissioner \$600.00, on a check made out to: "Commissioner of Political Practices" and mailed to the Office of the Commissioner of Political Practices, 1205 8th Avenue, P.O. Box 202401, Helena, Montana, 59620.
10. In consideration of payment of the civil fine referenced above, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondent, other persons, or corporation that may be named or unnamed in the Decision, based on the matters discussed in the Decision.
11. The Respondent enters into this agreement to avoid litigation and to resolve and settle this dispute with the Commissioner. It is understood and agreed that the payment of the civil fine referenced above, and execution of this settlement agreement by the Respondent is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims.
12. The Commissioner and the Respondent fully and forever release and discharge each other and their respective officials, officers, members, employees, successors, assigns, agents, ostensible agents, attorneys, and representatives from any and all actions, claims, causes of action, demands, expenses, damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the matters investigated by the Commissioner and summarized in the Decision.

13. The Commissioner and the Respondent agree that the executed Settlement Agreement is a public document and will be made available to members of the public.
14. This settlement agreement, consisting of 3 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondent. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.


Jonathan R. Motl
Commissioner of Political Practices

10-21-14
Dated


Cynthia A. Johnson
Montana BASE

Oct. 6, 2014
Dated