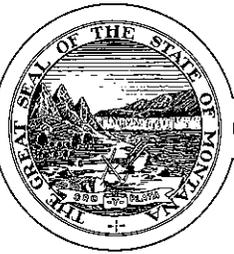


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL
COMMISSIONER
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February 3, 2016

Matt Sisler
P.O. Box 93
Big Arm, MT 59910

COPP-2016-AO-0004

Re: Ethics Complaint Against a Local Government Official

Dear Mr. Sisler:

I write in response to your inquiry of February 3, 2016 requesting the Commissioner of Political Practices' (COPP) advisory opinion on whether or not you should pursue an ethics complaint against local government officials.

ADVISORY OPINION

The Commissioner is limited to issuing an advisory opinion that addresses an ethics or campaign practice issue. See 44.10.201 ARM.

SHORT ANSWER

The Commissioner does not have jurisdiction over allegations of ethical violations against a local government official.

DISCUSSION

The request asks for the Commissioner's opinion on whether or not an Ethics Complaint should be pursued against the Polson Rural Fire District Board of Trustees for certain actions.¹

Allegations of violations of the Code of Ethics for a "special district" are allegations against a unit of local government, Mont. Code Ann. § 2-2-102(9).

¹ Election related activity of state, local, and county officials and employees can trigger the Commissioner's review of actions taken by local and county officials under campaign finance law, Mont. Code Ann. § 13-35-226(4) which incorporates the standards of the code of ethics, Mont. Code Ann. § 2-2-121. See *eg. Botcheck v. Target Range Schools*, COPP-2015-CFP-001, p. 3.

Review of Code of Ethics violations for a local government officer or employee is provided by either a local government review panel or the local county attorney, Mont. Code Ann. §§ 2-2-103(4)(iii) and 2-2-144.

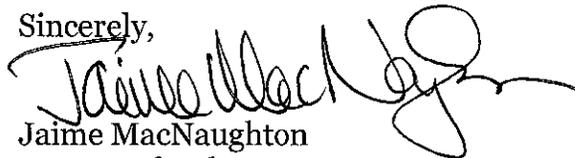
CONCLUSION

As the Commissioner does not have jurisdiction over an ethics complaint in this matter, it would be inappropriate for the Commissioner to issue an Advisory Opinion on the matter. I have enclosed a copy of Mont. Code Ann. § 2-2-144 for your information, and am returning your original complaint to you for your reference.

LIMITATIONS ON ADVISORY OPINION

This letter is an advisory opinion based on the specific written facts and questions as presented above. This advisory opinion may be superseded, amended, or overruled by subsequent opinions or decisions of the Commissioner of Political Practices or changes in applicable statutes or rules. This advisory opinion is not a waiver of any power or authority the Commissioner of Political Practices has to investigate and prosecute alleged violations of the Montana laws and rules over which the Commissioner has jurisdiction, including alleged violations involving all or some of the matters discussed above.

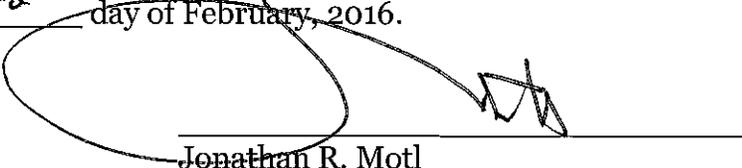
Sincerely,



Jaime MacNaughton
Attorney for the
Commissioner of Political Practices

I agree with this Advisory Opinion and afford it the full weight of the Commissioner's authority.

DATED 3rd day of February, 2016.



Jonathan R. Motl
Commissioner of Political Practices