

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

BEAR MOUNTAIN ATHLETICS – CHAD DUCA	COPP-2024-CFP-041
v.	DISMISSAL
KASSIDY OLSON (Montana House District 45 candidate)	

COMPLAINT

On October 7, 2024, Chad Duca, on behalf of Bear Mountain Athletics of Billings, MT, filed a Campaign Finance and Practices (CFP) complaint against Montana House District 45 candidate Kassidy Olson, also of Billings. The complaint alleged that candidate Olson failed to timely and properly disclose in-kind contributions received from, and in-kind expenditures made by, Bear Mountain Athletics on his campaign finance reports filed with COPP.

The complaint met the requirements of Admin. R. Mont. (ARM) 44.11.106, the administrative rule governing complaints, and alleged violations which fall under my jurisdiction as Commissioner of Political Practices. Therefore, I accepted it as filed and requested a response from Mr. Olson. Mr. Olson provided a timely response including supporting documents. The complaint, response and supporting documents are posted on our website, politicalpractices.mt.gov.

ISSUE

This dismissal addresses Mont. Code Ann. (MCA) 13-37-229, disclosure requirements for candidates.

BACKGROUND

On March 11, 2024, Kassidy Olson of Billings, MT, filed a C-1 Statement of Candidate as a candidate seeking election to the Montana House of Representatives, District 45. On C-5 campaign finance reports filed during the course of his candidacy, Mr. Olson disclosed receiving two campaign

contributions from the complainant for a total contribution of \$104.80. The contributions disclosed were in-kind contributions including a campaign banner valued at \$54.80 and two \$25 gift cards for a silent auction. (COPP records.)

The complainant states that he volunteered to “help Mr. Olson with his campaign by creating a political campaign banner, campaign signs, flyers, stickers, apparel and made a donation for gift cards for his campaign fundraising event.” The complainant and respondent subsequently had a “falling out” resulting in an order of protection filed against the complainant. The complainant filed a claim in Yellowstone County District Court against the respondent as well as filing this complaint with COPP. The primary contention put forth by the complainant is that Mr. Olson “falsely reported his Campaign Finances. . .[and] didn’t report the invoice that was also created.” (Complaint.)

As evidence to support his claim, Mr. Duca attached an invoice showing a balance due of \$800. Itemized on the invoice are cookies and pies valued at \$800. Mr. Duca asserts that the respondent agreed to pay for these, and this is the basis of his civil suit. Also listed on the invoice – but then discounted for the full amount - are various items such as T-shirts, flyers, and baggies for cookies, and services for screen printing and creating a flyer. In total, the invoice includes items valued at \$3107.80, Mr. Duca claims to have contributed to Mr. Olson’s campaign, including the reported banner and gift cards. The claimant states that he is unable to deliver many of these items due to the order of protection, but other items are in the possession of the respondent. (Complaint.)

In his reply, the respondent states that he did receive some of these items from Mr. Duca – specifically, the banner and gift cards which he properly reported to COPP. He also states he received three T-shirts, two hoodies, and “200-300 regular paper printed flyers he brought to me,” but all other items he neither asked for or received. Mr. Olson further asserts that he did not use any of the items except to wear “one shirt for three hours during a debate party in June 2024.” Although he did not provide the video as evidence, Mr. Olson states that he took a video of the T-shirts, hoodies and flyers being thrown in the trash.

(Response.)

Mr. Duca attempted to dismiss his district court claim, but the court resisted this motion in order to allow a counterclaim by Mr. Olson to proceed. In the Court's Order, dated November 18, 2024, they state Mr. Olson's counterclaim does not arise out of the same transaction or occurrence as the original claim by Mr. Duca. *Chad Duca, Bear Mountain Athletics, v. Kassidy E. Olson*, Yellowstone County Justice Court, SM-2024-00108, (2024). Therefore, the court has not addressed any of the substantive issues presented in this complaint and the results of those proceedings are not relevant here.

DISCUSSION

COPP has been unable to obtain any direct or tangible evidence confirming or denying the authenticity or accuracy of the Invoice document submitted by Mr. Duca/Bear Mountain Athletics with the original complaint. Nor has the agency been able to obtain any evidence that could serve to confirm or deny Mr. Olson's written denial. The majority of the complainant's allegations are based on a "he said, he said" dispute and COPP is not the proper arbitrator of such a disagreement. The discussion to follow is based on issues where the accounts of the respondent and the complainant do not conflict.

I. The T-shirts, hoodies, and flyers are reportable in-kind contributions.

Mr. Olson and Mr. Duca seem to agree that Mr. Olson received and properly reported two gift cards and a campaign banner valued at \$104.80. In addition to those, Mr. Olson also admits that he received from Mr. Duca: three T-shirts, two hoodies, and 200-300 flyers. Mr. Olson asserts he did not ask for the flyers and "did not really want them." He also states he informed Mr. Duca he could not accept more than \$450 in in-kind contributions. In addressing the three T-shirts and two hoodies, Mr. Olson states he requested Mr. Duca add them to the invoice for the banner but Mr. Duca said he didn't owe anything for them because they "didn't cost him anything." (Response.)

“Contribution” means: (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue; MCA 13-1-101(9)(a).

Here, the T-shirts, hoodies, and flyers were indeed received by Mr. Olson. The fact that he didn’t want them is not particularly relevant. It is clear from Mr. Olson’s response that these items were personally delivered by Mr. Duca and therefore Mr. Olson had the opportunity to accept or reject them. Mr. Olson states that he did not use any of the items except to briefly wear one T-shirt, and that he subsequently threw away any items provided by Mr. Duca. (Response.) Normally, COPP would recommend Mr. Olson return the items rather than throw them out, but the order of protection makes this impracticable.

While it is clear these items were not actually used to support Mr. Olson’s candidacy, they were delivered with that intention and accepted by Mr. Olson, creating reportable in-kind contributions.

Mr. Olson states that Mr. Duca said he didn’t owe anything for them as “they cost him nothing” and offers to amend his reports to include them at a zero value. (Response.) This is a misunderstanding of the law. An in-kind contribution that has no cost to the contributor must still be reported as an in-kind contribution at the “reasonable fair market value of the item of property, right or service based on an appropriate comparison made at the time of the in-kind contribution.” ARM 44.11.403(4)(b). The only circumstance where items or services that are of no cost to the contributor need not be reported is if that contributor regularly provides those items or services to others at no charge. See *Leslie v. Manzella*, COPP-2020-CFP-034, and *Sasse v. Jenkins*, COPP-2023-CFP-019. That does not appear to be the case here. To clarify - if Mr. Duca’s organization regularly provided T-shirts to all candidates on a nonpartisan basis there would be no reportable contribution, but if he regularly provided this service and only provided a discount to Mr. Olson, the amount of the discount would be a contribution Mr. Olson is required to report.

II. The remaining items on the invoice were not reportable contributions.

There are several items on the invoice that Mr. Olson states he did not request or receive, including door hangers, additional apparel, and bags for cookies. If it is accurate that the campaign neither ordered nor received these items, for campaign finance purposes there are no reportable in-kind contributions. If they were ordered, regardless of whether they were received, they are reportable as a debt owed by the campaign and should have been reported at the time the order was placed. ARM 44.11.506. See also, *Ward v. Marceau*, COPP-2022-CFP-008, 4-12, and *MTGOP v. Alke*, COPP-2023-CFP-018, 8.

COPP has not been provided any evidence which indicates Mr. Olson ordered or otherwise agreed to accept any of these items, or to purchase pies and cookies valued at \$800.00. Mr. Duca states these items were requested but could not be delivered due to the order of protection. From the evidence presented, COPP is unable to determine if Mr. Olson actually ordered any of these items and later rescinded or simply failed to pay, or if as he asserts, they were never requested at all. If the complainant provided such evidence, they would be advised to pursue the matter in district court as was the result here. COPP does not mediate disputes between candidates and contributors or vendors.

SUMMARY

Here, Mr. Olson initially accepted some in-kind contributions from Mr. Duca that he failed to report; three T-shirts, two hoodies, and 200-300 flyers. Because these items had value and were received by the campaign, they were reportable in-kind contributions. However, because none of these items were ultimately used to support Mr. Olson's candidacy, this violation is dismissed as de minimis. The use of one of the T-shirts for a three-hour period does not create an ascertainable value or change this determination.

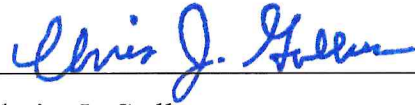
"De minimis act" means an action, contribution, or expenditure that is so small that it does not. . . warrant enforcement as a campaign practices violation under Title 13, chapter 37." MCA 13-1-101(11). ARM 44.11.603 specifically provides factors the commissioner may consider in determining if a particular

violation is de minimis, including “the extent to which a particular campaign practices violation deprives the public of disclosure;” (1)(d). If the items at issue had been used in support of the campaign, or if Mr. Olson had ordered the items – creating a debt - the failure to report would interfere with the public’s right to know and this error could not be excused as de minimis. However, without evidence to show Mr. Olson placed an order or agreed to purchase items from Mr. Duca, I simply cannot reach that conclusion. Under the circumstances presented, the public was not deprived of any information relevant to campaign finance but were rather not privy to a private disagreement.

CONCLUSION

The complaint has been considered as described above and any violation is hereby dismissed as de minimis.

Dated this 13th day of June, 2025.



Chris J. Gallus
Commissioner of Political Practices
of the State of Montana
P.O. Box 202401
1209 8th Avenue
Helena, MT 59620