

## SETTLEMENT AGREEMENT

Re: *Kephart v. Skow*, COPP-2023-CFP-001

This settlement agreement (Agreement) is entered into by Chris J. Gallus, in his official capacity as the Montana Commissioner of Political Practices (Commissioner) and Scott Coguill in his capacity as Treasurer of the Butte Silver-Bow Democratic Central Committee (Respondent).

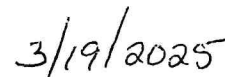
Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana's campaign finance and practices laws and rules, Mont. Code Ann. §§ 13-37-124 and 128. In order to avoid litigation, the Commissioner and the Respondent enter into this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

1. The Commissioner acknowledges that a Complaint was filed against the Respondent for violations of Montana's campaign finance and practices laws on March 16, 2023.
2. On March 11, 2024, the Commissioner issued a Partial Dismissal and Finding of Sufficient Facts to Support Violations, the Commissioner's cause number COPP-2023-CFP-001 "Decision." The Decision determined that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
3. The Respondent acknowledges reading and understanding the Decision, that the facts contained therein are accurate and that the findings are based in law.
4. The Respondent specifically acknowledges that the Commissioner determined that pursuing the matter was justified and determined there were violations of Montana's Campaign Finance and Practice Laws, specifically failure to timely file periodic C-5 campaign finance reports in accordance with MCA § 13-37-226, failure to accurately and timely report contributions and expenditures in accordance with MCA § 13-37-229, and failure to accurately and timely update treasurer designations in accordance with MCA § 13-37-201 and 204,
5. The Commissioner and the Respondent agree that execution of this Agreement by both parties, and the payment of a civil fine in the amount of Seven hundred Dollars (\$700.00) by the Respondent, fully resolves all of the issues set forth in the decision.
6. The civil fine is payable as follows:
  - a. The Respondents agree to pay the amount of \$350.00 as civil fine which COPP shall remit to the State General Fund.
  - b. The Commissioner agrees that services provided by the Respondents in order to facilitate a campaign finance training which occurred in Butte, MT on April 23, 2024, are accepted in satisfaction of the remaining balance.
7. As services described have already been provided by the Respondents, this executed Agreement and a payment of a civil fine in the amount of \$350.00 by the Respondents fully and finally resolves all of the issues as set forth in the Decision.

8. Simultaneously with the return of the executed settlement agreement, the Respondent will remit to the Commissioner a check in the amount of \$350.00 made out to "Commissioner of Political Practices" delivered to the Office of the Commissioner of Political Practices, 1209 8<sup>th</sup> Ave., P.O. Box 202401, Helena, Montana, 59620.
9. In consideration of payment described in section 6 of this Agreement, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondent based on the matters addressed in the Decision and in this Agreement.
10. 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 the execution of this Agreement by the Respondent is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims.
11. The Commissioner and the Respondent fully and forever release and discharge each other and their respective 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 in this Agreement.
12. The Commissioner and the Respondent agree that the executed Agreement is a public document and will be posted on COPP's website and otherwise made available to members of the public.
13. This Settlement Agreement, consisting of three (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 a subsequent written statement is signed by both parties.



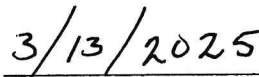
Chris J. Gallus  
Commissioner of Political Practices



Date



Scott Coguille, Treasurer  
Butte Silver-Bow Democratic Central Committee



Date