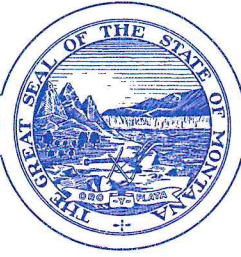


COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
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1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
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May 29, 2024

Sheila Hogan
303 North Ewing Street
Helena, MT 59601

Re: *Hogan v. Olson*, COPP2024-CFP-018, *Hogan v. Knudsen*, COPP-2024-CFP-017

Dear Ms. Hogan,

I hope you are well. The Administrative Rule regarding campaign finance complaints outlines what information “shall” be included in a complaint. 44.11.106 ARM. The respondents in the above-named matters are requesting the complaints be dismissed based on the lack of “citation to each statute and/or rule that is alleged to have been violated” 44.11.104 (4)(b)(iii) ARM. However, the aforementioned rule also provides the commissioner with the discretion to choose whether or not to proceed with an investigation if any of the specified information is absent. 44.11.106 (4) ARM.

In order to provide access and transparency to all Montanans, this office does not regularly treat the lack of precise citations to statute as a barrier to the acceptance or investigation of complaints so long as the allegations adequately describe laws I can readily identify, which yours did. However, when this provision is formally asserted it compels me to request it. I am provided the authority to request a complainant or respondent provide additional information “prior to making a determination whether to proceed with a full investigation and or to dismiss a complaint under this rule.” 44.11.106(4) ARM. In the situation at hand, the respondents’ assertion that this matter be dismissed due to a lack of specific citations necessitates such a request for information. To that end, I am requesting that you supplement the submitted complaints by providing citation to each rule or statute alleged to have been violated in accordance with 44.11.106(2)(b)(iii) ARM.

Additionally, upon initial review of this complaint and the provided responses, I want to make you aware of an additional option that is available to you and other parties. You may request a formal declaratory ruling as allowed by 44.11.102(1). A formal declaratory ruling from COPP is appropriate when “doubt exists as to how a statute or rule administered by an agency affects the party’s legal rights.” 1.3.226 ARM. Such a ruling is only binding “between the agency and the petitioner” and is a “final agency decision subject to judicial review.” 1.3.229 ARM. If upon consideration, you wish to request a declaratory ruling, the requirements to do so are provided in 1.3.227 ARM.

The supplemental information requested above will be required regardless of whether this matter proceeds through the formal complaint process or as a declaratory ruling. To that end, please provide the requested information by 12:00 PM (Noon) May 31, 2024.

Regards,



Chris J. Gallus
Commissioner of Political Practices

Cc. Logan Olson, Respondent
Austin Knudsen, Attorney General, Additional Respondent