

Cook, Scott

From: Mary Caferro <marycaferro@gmail.com>
Sent: Thursday, September 26, 2024 4:52 PM
To: CPP Help; Cook, Scott; Wilson, Cheryl
Subject: [EXTERNAL] C5 Response
Attachments: 9-16-24 notice.pdf

Commissioner Gallus,

In response to the complaint filed by Dustin Scott on September 26th, 2024 the required C5 financial reports have now been filed. The C5 reports are within the legal timeframe of three days following receipt of the second notice. I received the second notice today, September 26th, 2024 and have attached it. Please feel free to contact me.

Thank-you,
Mary Caferro



Mary Caferro <marycaferro@gmail.com>

2nd Notice of September report not submitted to COPP

1 message

Wilson, Cheryl <Cheryl.Wilson@mt.gov>

Thu, Sep 26, 2024 at 10:18 AM

This email serves as official notice that your 2024 campaign is out of reporting compliance as the C5 finance report that was due September 20, 2024, has not yet been received by COPP.

An email was sent 09/21/24 informing you that this report had not been received and requesting that the report be submitted within 5 days of receiving the email notice.

At this time, your campaign is out of reporting compliance as the required report has not yet been submitted. **MCA § 13-37-226(1)(b) Time for Filing Reports.**

COPP is tasked with inspecting statements and reports. When inspection reveals a failure on the part of the candidate to fully comply with the provisions for reporting, an Order of Noncompliance may be issued by the Commissioner. **MCA § 13-37-121, Inspection of Statement and Reports – Issuance of Orders of Noncompliance.**

Therefore, with this second notice, you have 3 days to comply with the request to submit the C5 report that was due 08/20/24 to COPP.

Should the C5 report not be received by COPP within 3 days of the date of this email, the Commissioner will assess the culpability of the candidate campaign as it relates to the disposition of fines. **MCA § 13-37-129 Liability and Disposition of Fines.**

Additionally, if you miss this deadline the Commissioner has informed me that he will immediately send you an Order of Noncompliance (ONC) pursuant to **MCA § 13-37-121** (Attached). This involves a formal process for failure to file the C-5. The ONC is also sent to your local county attorney.

Continued failures to file your reports can also involve more substantial fines through civil action under **MCA § 13-37-128**, which can involve fines of \$500 or three times the amount of your unreported contributions or expenditures. Obviously, we all want to avoid that.

Some of you receiving this notice have PENDING reports – so you likely THOUGHT you filed your report when it successfully “saved”, but you did not go to the FILE tab and complete the filing process so as to officially submit your report.

Please go to your account immediately and if you see your report “pending” click “update/amend” for that report and when the report opens, click on the FILE tab – scroll down, click on the “I certify...” Box and then click on the certify/file button at the bottom of the page – THEN your report will be submitted 😊

In addition, some of you receiving this notice are not moving forward to the General Election and therefore will need to submit a **closing report** per MCA § 13-37-228 (2023).

“Closing reports must cover the period of time from the last periodic report to the final closing of the books of the candidate, political committee, or joint fundraising committee. A candidate, political committee, or joint fundraising committee ***shall file a closing report*** following an election in which the candidate, political committee, or joint fundraising committee participates whenever all debts and obligations are satisfied and further contributions campaign or expenditures will not be received or made that relate to the campaign unless the election is a primary election and the candidate, political committee, or joint fundraising committee will participate in the general election.” MCA § 13-37-228(3) *emphasis added*.

If all of your campaign debt and obligations have been satisfied, please make your August a report your closing report. Until you submit a closing report, your campaign must continue to submit reports according to the reporting calendar.

If you are having any difficulty filing your report or feel you received this email in error, please call immediately. We are here to help.

Thank you for your time,

Cheryl Wilson

COPP Compliance Specialist

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