

**BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)**

<p><b>SHEILA HOGAN</b></p> <p>v.</p> <p><b>LOGAN OLSON,</b></p> <p><b>ATTORNEY GENERAL AUSTIN</b> <b>KNUDSEN (AUSTIN FOR MONTANA)</b></p>	<p><b>COPP-2024-CFP-017</b></p> <p><b>COPP-2024-CFP-018</b></p> <p><b>ORDER DENYING PETITION FOR</b> <b>DECLARATORY RULING</b></p> <p><b>INVITATION TO DEVELOP THE</b> <b>RECORD</b></p>
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The two above-named complaints were submitted simultaneously to COPP on May 8, 2024. The allegations in each complaint are nearly identical and therefore, for the purposes herein, they are being addressed together. Upon review of the complaints as initially filed, I determined that additional information was necessary in order to fully resolve the matters presented. In part, this was based on each respondent requesting I dismiss the complaint under ARM 44.11.106(2)(b)(iii). Therefore, in accordance with the discretion provided to me by ARM 44.11.106(4), I sent communications to the parties on May 29, 2024, informing them that I was requesting additional information under the aforementioned rule. Mr. Olson and Ms. Hogan both provided the additional information before the noon deadline on May 31, 2024. Attorney General Knudsen did not provide any further response.

Additionally, I determined that certain issues in the submitted complaints may be appropriate for determination by a declaratory ruling. “The office of the Commissioner of Political Practices (COPP) has jurisdiction to issue declaratory rulings “when doubt exists as to how a statute or rule administered by an agency affects the party’s legal rights.” Admin. R. Mont. 1.3.226, as incorporated by Admin. R. Mont. 44.11.102(1); Mont. Code Ann. § 2-4-501.”” *Ankey v. Montana Democratic Party*, COPP-2020-DR-002, 1. This was done in *Wanzenreid v. Graybill*, COPP-2020-CFP-0002 decided as COPP-2020-DR-001, but denied in *Ankey* because the petition did not contain sufficient “allegations to show that Mr. Ankey would be affected by the ruling” and “there [was] no doubt or ambiguity” as to whether the statutes applied. *Id.* 3.

Therefore, concurrently with my requests for additional information, I invited the complainant and both respondents to petition COPP for a declaratory ruling in accordance with

ARM 44.11.102(1) and ARM 1.3.226 *et seq.* Ms. Hogan's May 31, 2024, response to my request for supplemental information was submitted as an amended complaint and also included a request for these issues to be determined by declaratory ruling. Mr. Olson responded but did not make a request for a declaratory ruling. Austin for Montana, Attorney General Austin Knudsen's campaign organization, did not provide an additional response and did not request a declaratory ruling.

Upon consideration of the responses provided by Ms. Hogan and Mr. Olson, and review of the applicable statutes and rules, I denied the declaratory ruling request as to whether Mr. Olson knowingly submitted a false declaration, a potential violation of MCA § 13-35-207. This matter was addressed separately as *Hogan v. Olson*, COPP-2024-CFP-018. This issue is now fully resolved. I reserved the right to resolve any remaining issues, which I conveyed to the parties on June 17, 2024, and in the *Olson* decision. After reviewing the complaint, amended complaint, and the declaratory ruling request as to the remaining issues, I deny the request for a declaratory ruling. Like the single issue already decided, doubt does not exist as to how a statute or rule administered by COPP affects a party's legal rights. Ms. Hogan was the only party who responded to my invitation to request a declaratory ruling and her allegations do not show how she would be affected by the ruling, or that there is doubt or ambiguity with respect to the statutes being applied that warrants a declaratory ruling.

I do appreciate that Ms. Hogan took the additional time to amend her complaint to include specific reference to statutes and rules, and that she also took the time to prepare a request for a declaratory ruling at my invitation.

However, because of my invitation to potentially proceed by way of a declaratory ruling, and because Ms. Hogan's amended complaint now contains a detailed description of her alleged violations, including citations to statutes or rules, it seems fair that each party would be given an opportunity to respond and to review the COPP's current summary of facts and provide COPP their comments, especially as to the facts pertaining to them and the facts that COPP's continuing investigation reveals at this point. In accordance with my authority under ARM 44.11.106(4), I ask that each party examine this restatement of the facts they supplied to COPP, as well as those verified or independently discovered by COPP, and invite them to suggest any corrections and provide additional comments or relevant material. Please confine yourselves to these matters only and do not assert new allegations. My current summary of facts is as follows:

## ASSERTIONS AND SUMMARY OF FACTS

*Facts asserted by the complainant.*

In her initial complaint Ms. Hogan asserts the following:

According to the May 8, 2024, version of Ms. Hogan’s complaint, she correctly states that, Montana law establishes limits on campaign donations and there is an aggregate contribution limit for each election, which for the attorney general race in 2024 is \$790. Hogan Compl., 2. Citing MCA § 13-37-216(5), Ms. Hogan also asserts that “[a]n “election” means the general election or a primary election that involves two or more candidates for the same nomination.” *Id.* Ms. Hogan also asserts that if there is not a contested primary, there is only one election to which the contribution limits apply. *Id.* Additionally, Ms. Hogan states that when Attorney General Knudsen filed to run for office on November 6, 2023, he did not have a primary election opponent, yet he solicited and received “dozens of donations” exceeding the \$790 limit. *Id.*; COPP CERS reports January and February, 2024. Ms. Hogan maintains that, at a minimum, Attorney General Knudsen could not have solicited or received such contributions until Mr. Olson entered into the Republican primary, which Mr. Olson did not do until March 11, 2024. *Id.*

Ms. Hogan further asserts that because Mr. Olson was not qualified to run for attorney general, and because he has not engaged in any activity to support his campaign (no “reported donations, fundraising events, or travel”), and because both campaigns use Katie Wenetta, of Burning Tree Consulting, that Mr. Olson “is not a legitimate, good faith candidate.” As to Attorney General Knudsen, Ms. Hogan asserts that “Knudsen actively uses Olson’s *nominal presence* in the Republican primary to continue to solicit donations in excess of \$790.” *Id.* 3, *emphasis mine.* Ms. Hogan contends that “Olson’s candidacy and Knudsen’s receipt of excess donations violate Montana’s campaign finance laws.” *Id.*

At the conclusion of her initial complaint Ms. Hogan requests that I declare “Logan Olson’s candidacy for Montana Attorney General in the 2024 Primary election invalid.” *Id.* She also asks I take steps to inform the public and “get his [Olson’s] name off the ballot.” *Id.* Further, Ms. Hogan asks that I fine Mr. Olson for “cynical and abusive behavior” because it is “unbecoming of a Montana attorney under oath. *Id.* In Ms. Hogan’s complaint against Attorney General Knudsen, she additionally asks that I consider fining Attorney General Knudsen “for his participation in this scheme that misleads Montana voters and abuses a loophole that was never

intended to allow him to raise twice as much money for his campaign as he would normally and legally be allowed.” Lastly, Ms. Hogan requests that I compel Attorney General Knudsen to return and reimburse every dollar that he raised from donors for the June 4, 2024, primary election that exceeds the \$790 he might have normally raised. Amnd. Compl., ¶ 28, (May 31, 2024).

On May 15, 2024, Ms. Hogan supplemented her complaint with articles from the Daily Montana, indicating she was working on getting audio of a recording from an event the event described in the article. The article provided by Ms. Hogan contains a photo of the invitation to the event and attributes the following as a quotation from Attorney General Knudsen at the event:

“I do technically have a primary. However, he is a young man who I asked to run against me, because our campaign laws are ridiculous. So, he is a young man from my part of the state. His name is Logan Olson. He’s not running. He filed to run against me simply because under our current campaign finance laws in Montana, it allows me to raise more money. So, he supports me and he’s going to vote for me. He literally did it because I asked him to. He’s a good kid. I shouldn’t say kid; he’s a good lawyer up in Plentywood. A good young man. But technically I have a primary opponent, I think we’re going to be okay in that one.” Compl., 5, provided from, <https://dailymontana.com/2024/05/14>.

Pursuant to ARM 44.11.106(4), I requested additional information from Ms. Hogan. Specifically, I asked that Ms. Hogan to provide citation to each rule or statute alleged to have been violated in accordance with ARM 44.11.106(2)(b)(iii). COPP correspondence to Hogan, (May 29, 2024).

In response to my request for additional information, Ms. Hogan filed an “Amended Complaint and Petition for Declaratory Relief,” which, in addition to offering further compliance with ARM 44.11.106(2)(b)(iii) to my satisfaction, included the following additional information: alleges violations of the following:

Ms. Hogan asserts that under MCA § 13-35-221, Montana law prohibits improper nominations. Hogan, Amnd. Compl. ¶ 4. She points to the language in the statute that a “person may not pay or promise valuable consideration, in any manner or form, for the purpose of inducing the other person to be... a candidate, and a person may not solicit or receive any payment or promise from another for that purpose.” *Id.* citing MCA § 13-35-221(1). Ms. Hogan

further provides that “in consideration of any . . . agreement, as mentioned in subsection (1) may not . . . be nominated . . . as a candidate at an election. . . and that a person also may not “become, individually or in combination with any other person or persons, a candidate for defeating the nomination or election of any other person, without a bona fide intent to obtain the office. *Id.* citing MCA § 13-35-221(a)(b). Ms. Hogan additionally states, “Mr. Olson does not have a bona fide intent to obtain the office of Attorney General.” *Id.* ¶ 10.

Ms. Hogan also asserts that a person is guilty of MCA § 13-35-105 for accountability, as provided for in MCA § 45-2-302. *Id.* ¶ 5. Ms. Hogan more specifically asserts in ¶¶ 11-19 of her amended complaint that Mr. Olson is not a legitimate or bona fide candidate because he:

Ran at the request of Knudsen so Knudsen could retain the excess contributions he received in violation of MCA § 13-37-216 and continue to receive such contributions. ¶ 11.

The Attorney General “bragged” about it and Hogan reasserts the quotation attributed to Attorney General Knudsen at the Dillon event. ¶ 12.

Ms. Hogan also reasserts Mr. Olson raised “\$0” for his campaign and is not engaged in any activity to support his campaign. ¶ 14.

Ms. Hogan includes new information from Mr. Olson’s March campaign finance report showing a debt to Standard Consulting to reimburse payment of Mr. Olson’s filing fee, and the owner of Standard Consulting is an individual who has donated \$790 to each of the primary and general elections for Attorney General Knudsen. ¶ 18.

Ms. Hogan notes that Mr. Olson’s subsequent reports no longer show the debt, nor do they explain where the debt went. *Id.*

She also points to the fact that Mr. Olson practices at the same law firm where the Attorney General worked prior to his election as Attorney General. ¶ 19.

That the clear tie between the two campaigns is “unlawful,” and the Attorney General [Knudsen] and Mr. Olson have conspired to violate MCA § 13-35-221(1) regarding improper nominations. ¶ 27. This conspiracy, as asserted by Ms. Hogan, may have involved others. The purpose of the “conspiracy” was to violate MCA § 13-37-216 (contribution limits). *Id.*

In relief, Ms. Hogan asks that pursuant to ARM 44.11.102, I determine that it is a violation of MCA § 13-35-221 for a legitimate candidate [Knudsen] to recruit a candidate without any bona fide intent to obtain the office to run against him for the sole purpose of allowing the legitimate candidate to raise more money. *Id.* ¶ 28. She also asks that I determine

this is also a violation of MCA § 13-37-216, and whether each of the respondents is legally accountable for each other's violation, pursuant to MCA § 13-35-105. *Id.* (a)(i). Ms. Hogan again asks that I declare Mr. Olson is not qualified and that I invalidate his candidacy. *Id.* (a)(c). She also asks for any other relief I deem appropriate. *Id.* (a)(i)-(iv), (c), (d). I have already decided that although Mr. Olson does not meet the qualifications to serve as attorney general, he did not violate MCA § 13-35-207, because he did not knowingly violate that provision of law. *Hogan v. Olson*, COPP-2024-CFP-018.

*Facts asserted by the respondents Attorney General Knudsen and Mr. Olson.*

In his initial response provided to COPP, Mr. Olson asserted the following:

He predominantly asserts and provides facts to support his claim that he was admitted to practice law in September 2019 and that he is therefore qualified and did not violate MCA § 13-35-207. Olson response.

In addition, he maintains the complaint should be dismissed because Ms. Hogan did not comply with ARM 44.11.106(2)(b)(iii), which requires she specifically include reference to any law or rule she alleges were violated. *Id.*

In his subsequent response, Mr. Olson reasserts his position as to dismissal for failure to comply with the aforementioned rule and includes a statement that if elected during the June 4, 2024, primary, he would accept the nomination, run in the general election as the Republican candidate, and if then elected on November 5, 2024, he would serve as Montana Attorney General. Olson add'l. response (May 29, 2024).

Attorney General Knudsen provided a one-page response through an agent of his campaign to the initial complaint and did not provide any subsequent responses following my ARM 44.11.106(4) request of May 15, 2024, though it was clear from the request that I predominantly needed additional information from Ms. Hogan and Mr. Olson. In any event, Attorney General Knudsen provided one response, which is summarized as follows:

Austin for Montana (AFM) is the campaign committee of Attorney General Austin Knudsen. AFM response. Ms. Hogan's "semi-coherent ramblings" do not allege specific violations of any Montana statute or rule as required by ARM 44.11.106(2)(b)(iii). *Id.* ¶ 2. As a consequence, the complaint should be dismissed for failure to comply with threshold procedural

requirements and minimum standards of due process. *Id.* This is fundamental to the right to notice and the opportunity to be heard. *Id.*

AFM further asserts that the only specific allegation Ms. Hogan articulates is in fact no violation at all. *Id.* ¶ 3. “Ms. Hogan has asked for the first time ever in the history of Montana that MCA 13-37-216(6) somehow be interpreted to mean that campaigns cannot accept Primary and General Election contributions until they have a contested primary opponent that has filed with the Secretary of State.” *Id.* AFM represents this as being absurd and without rational basis or being supported by the statute. *Id.* AFM relies on an assertion that it is a “longstanding interpretation and practice for campaigns to collect contributions for the primary and the general and simply return the funds if no contested primary occurs.” *Id.* AFM further asserts that presently several Democratic campaigns are in violation of the provision if the statute is ever interpreted in the manner Ms. Hogan requests with her “new interpretation.” *Id.* ¶ 4. AFM’s list includes the leading Democrats for attorney general, governor and lieutenant governor, secretary of state, and the office of public instruction. *Id.* These candidates prevailed in the Democratic primary election on June 4, 2024. AFM also lists a candidate for Chief Justice of the Montana Supreme Court, though this position is nonpartisan. *Id.*

*Facts confirmed by COPP.*

Mr. Olson was admitted to the Bar on September 30, 2020, and has worked for O’Toole Law Firm from September 2020 until the present. Mr. Olson also currently serves as the Daniels County Attorney. COPP records.

On March 11, 2024, Mr. Olson formally filed as a Republican candidate for election to the office of Attorney General with Montana’s Secretary of State by filing a Declaration for Nomination. *Id.* In doing so, Mr. Olson provided under oath that he meets the constitutionally prescribed qualifications for Attorney General. *Id.*

On March 14, 2024, Mr. Olson filed a C-1 Statement of Candidate as a Republican candidate seeking election to the office of Attorney General with COPP. *Id.* On the C-1, Katie Winetta of Helena, MT is listed as the campaign treasurer. *Id.* Mr. Olson also filed a D-1 Business Disclosure Statement with COPP on March 14, 2024. *Id.* Subsequently, Mr. Olson has timely filed all required C-5 campaign finance reports. To date, Mr. Olson has reported two debts owed, one in the amount of \$1,508.76 to Standard Consulting described as “Reimbursement for filing fee,” and the second in the amount of \$ 1,500.00 to Burnt Timber Consulting, LLC, for

“Bookkeeping and Compliance for Primary Election.” *Id.* No other contributions or expenditures have been reported by Olson’s campaign.

The COPP investigator, Scott Cook, did receive an unsolicited article from an anonymous source that Mr. Cook later confirmed and authenticated. Daniels County Leader, Plentywood, MT, Vol. 30, Issue 2, Thursday, March 28, 2024, “Semi-candidate.” The article reports that “Logan Olson, a 2014 Westby High School graduate is a candidate (kind of) for the Republican nomination for the Montana attorney general’s office.” *Id.* The article notes that Olson is the current Daniels County attorney, and that in March he told the Daniels County Leader, “I am in full support of Austin Knudsen as attorney general. Unfortunately, our campaign finance laws are broken. For Austin to have an adversary in the primary race is advantageous for him in his bid for re-election. As such I made the decision to file against Austin in an effort to support him.” *Id.* The article notes further, Olson’s graduation from Montana State University in Political Science, his UM Law degree, and his association with the O’Toole Law Firm in Plentywood “for four years.” *Id.*

As indicated, Attorney General Knudsen provided an initial comment from his campaign and has not directly provided COPP with any supplemental information. I did not specifically request that he do so. The Attorney General and his representative have made limited public comments in response to media inquiries, which I am able to take note of for the limited purpose of providing some additional context. Attorney General Knudsen continues to take the position that the law in question is “ridiculous.” In a radio interview on KGEZ in Kalispell, MT, Knudsen states that he wasn’t trying to hide anything and meant to disclose his efforts to recruit an opponent as a demonstration of the state’s “quite silly” laws. He told the Dillon audience about recruiting Olson so that he could be transparent. Following his defeat of Olson at the primary on June 4, 2024, Attorney General Knudsen said, “I made a public statement that was recorded surreptitiously, but I mean that’s fine. That happens. But yes, I was making a comment about our campaign finance laws in Montana. I happen to think they’re quite silly the way that they’re structured. And I was making a comment about that. Yes.” Attorney General Knudsen is also publicly quoted as saying, “I was being completely transparent with the people in Montana, which doesn’t often happen in these primaries. Lots of times a shadow opponent shows up in a primary, doesn’t raise any money, doesn’t do any work. No one bats an eye at this. So, yeah, there’s nothing untoward here.” Knudsen also said, he recruited Olson as a way to challenge the



campaign finance laws, and that, “I just happen to think that this system we’ve got in place, you know, where we’re you’re encouraged to run against a sitting incumbent in order to let that incumbent raise more money. I happen to think that’s pretty silly.” Source: Darrell Ehrlick, Daily Montanan June 7, 2024.

### CONCLUSION

Ms. Hogan’s petition for a declaratory ruling is denied. The above facts provide the framework I will employ in order to reach a decision on the issues presented. Each party is hereby invited to offer any corrections to the provided summaries of fact or other relevant material they wish to be considered before 12:00 (noon) on June 24, 2024. This matter will then be decided as promptly as possible pursuant to the procedures established in MCA § 13-37-111 and ARM 44.11.106.

DATED this 19<sup>th</sup> day of June, 2024.



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