

POSTMARKED

JUN 28 2024

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Susan McCreary
PO Box 358
Stevensville, MT 59870

June 28, 2024

Chris J. Gallus
Commissioner of Political Practices
1209 Eighth Avenue
PO Box 202401
Helena, Montana 59620-2401

Dear Chris J. Gallus, COPP,

As I stated in my letter to you dated the 10th day of May, 2024, I have had no management of Candidate Wayne Rusk, SD 44 ^{campaign} in any way shape or form - never have, was not in their part primary election, nor will I ever be!

This whole "affair" went to court in Stevensville Towne Hall on May 22nd, 9am, 2024. When the judge called for Kimberly Daley to come forth at the trial, she was not in attendance. You can research the court trial, findings, judgment by contacting the Towne of Stevensville yourself.

In respect,

Susan S. McCreary

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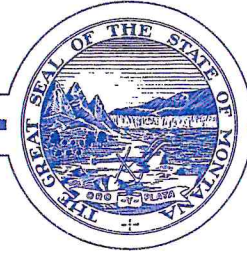
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Political Practices

Commissioner

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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June 24, 2024

Susan McCreary
417 Mission St
Stevensville, MT 59870

Subject: Complaint received June 17, 2024; Dailey v. McCreary,
COPP-2024-CFP-028

Susan,

The enclosed complaint alleges a potential violation of Montana election law under Title 13, Chapter 35 of the Montana Code Annotated (MCA), enforcement of which falls under my jurisdiction as Commissioner of Political Practices (COPP). The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I have accepted it for further consideration.

Pursuant to MCA §13-37-132, I formally request a written response from you addressing the specific issues identified in this complaint.

Please provide your response by 5:00 PM on Friday, July 5, 2024. Any response you provide is a public record that COPP posts on our website, per MCA §13-37-132.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant COPP rulings, and reserve the right to dismiss the complaint upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, as noted above, I may determine that a formal investigation is warranted. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update.

If an investigation is conducted, a decision will be issued which includes a summary of facts and determines if those facts are sufficient or insufficient to support a violation. This decision will also determine if prosecution is justified. Upon completion of this investigation a copy of the decision will be sent to you and posted on COPP's website.

If I determine prosecution is justified, this matter will be referred to the county attorney in the county where the violations occurred. The county attorney will then determine whether they will prosecute the matter or refer it back to me. If returned to me, I will either prosecute the matter in district court or negotiate a settlement pursuant to MCA § 13-37-128. Penalties, if any, are imposed based upon MCA § 13-37-128 and/or Title 45, if applicable.

This office is now conducting a legal review, and records currently in your possession are subject to a pending investigation. While I do not anticipate that you would intentionally destroy

any relevant records, due to the severity of the penalty I feel compelled to provide you with the relevant statute in this regard. See, Attached MCA § 45-7-207 (Tampering with or fabricating physical evidence).

Montana law authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation. MCA § 13-37-111.

To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained as these records might need to be produced if attorney-client privilege is not involved. As indicated, your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in MCA § 45-7-207.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices

DECLARATION OF SUSAN G. McCREARY

I, Susan G. McCreary, declare as follows:

I am 81 years of age and a homeowner and resident of Stevensville, Montana.

I am not, nor have I ever been, a Campaign Manager for Wayne Rusk, who is a Representative of HW 88 and candidate for SD44.

In April of this year (the exact date I do not recall) as I was preparing to enter C.J.'s Restaurant for breakfast, I witnessed a political campaign sign of candidate Kim Dailey which was placed directly in front of and which was obstructing the political campaign sign of candidate Wayne Rusk.

I asked Jon (the owner of C.J.'s Restaurant) if anyone had received permission to place Ms. Dailey's sign where it was then located, and he responded that no one had asked permission. Because Ms. Dailey's sign was obstructing another candidate's sign, I asked Jon if I could remove it, and he gave me consent to do so.

On the same date I witnessed another political sign of Ms. Dailey, again placed directly in front of, and completely obstructing the political sign of Wayne Rusk. I left a written note for Jon stating that I had removed Ms. Dailey's second sign, but that I would return it if she had consent to place the sign where it was.

As I removed the sign, Kim Dailey and her friend, Deborah Tilden, came out of C.J.'s and asked me why I removed Ms. Dailey's sign. Ms. Daley stated she had obtained permission from Cody (last name unknown), the owner of Kodiak Jax's Restaurant to place her sign where it was.

I asked Ms. Dailey why she placed her sign directly in front of, and obstructing, Wayne Rusk's sign, and she refused to answer.

I replaced Ms. Dailey's sign in a location near candidate Greg Overstreet's sign, where it did not obstruct any other sign. All the while, Ms. Dailey and Ms. Tilden were shouting at me and filming my actions.

I now realize I should not have removed the first sign from the lawn area at C.J.'s Restaurant. I meant no malice by my actions, I only wanted to remove the obstruction of another candidate's sign. I have since personally delivered the sign to Ravalli County Attorney Bill Fullbright.

Other political signs have since been removed or moved by a person or persons unknown to me. I spoke to candidate Greg Overstreet about the missing or moved signs, and then attempted to report the thefts to the new Chief of Police, John Boe, but he was in conference with Ms. Dailey. A deputy took my statement.

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

Dated this 10th day of May, 2024 at Stevensville, Montana.

Susan G. McCreary

SUSAN G. McCREARY