

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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COMMISSIONER
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June 14, 2023

Missoula County Republican Central Committee
Attn. Grace Siloti, Treasurer
PO Box 2082
Missoula, MT 59806

Missoula County Republicans
Attn. Grace Siloti, Registered Agent
PO Box 2082
Missoula, MT 59806

Subject: Complaint received June 12, 2023; VanFossen v. Siloti/Missoula County Republican Central Committee and Missoula County Republicans, Incorporated, COPP-2023-CFP-008

Dear Grace:

The enclosed complaint alleges specific violations of Montana election law under Title 13, Chapters 35 and 37 of the Montana Code Annotated, enforcement of which fall under my jurisdiction as Commissioner of Political Practices. 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. While originally presented to COPP as two separate complaints, because each contains common issues and alleged violators I am combining them into one (1) individual matter, as named above.

Pursuant to Mont. Code Ann. §13-37-132, I formally request a written response from you addressing the specific issues identified in this complaint. As part of this response, I request you describe, in detail, the specific reason or reasons for incorporating the Missoula County Republicans as a Domestic Non-Profit Corporation with Montana's Secretary of State's office, and the manner in which the entities interact with one another or are otherwise affiliated, including shared officers, membership and records, if any. Finally, I request that your response provides bank information, including deposits made in the account and expenditures made from the account, for all accounts named for

or directly controlled by the Missoula County Republican Central Committee and the Missoula County Republicans.

Please provide your response by 5:00 PM on Friday, June 30, 2023.

The response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

This office is now conducting a review pursuant to my statutory authority under Mont. Code Ann. § 13-37-111, which allows me 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. Political committees and their treasurers are required to keep detailed records and account pursuant to Mont. Code Ann. 13-37-208 for a period of four years or until this matter is concluded, whichever is longer.

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 Mont. Code Ann. §45-7-207 (Tampering with or fabricating physical evidence).

To facilitate this 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 even 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 Mont. Code Ann. §45-7-207.

I reserve the right to dismiss this complaint based upon an initial review of your response and other relevant materials. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, upon this initial review, I may determine that a formal investigation is warranted. If an investigation is conducted, a summary of facts and statement of findings will be prepared, and a copy will be sent to you. This generally forms the basis as to whether the matter is going to be pursued further, which then involves referring the matter to the local county attorney.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.