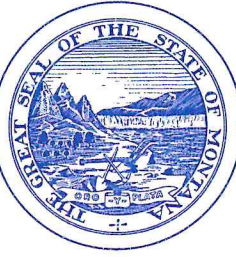


COMMISSIONER OF
POLITICAL PRACTICES



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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July 21, 2023

Missoula Mayor political committee
Attn. Shannon Winterer, Treasurer
2814 Brooks St., Box 203
Missoula, MT 59801

Subject: Complaint received July 17, 2023; Goldman v.
Missoula Mayor political committee, COPP-2023-CFP-
009

Shannon:

The enclosed complaint alleges a violation of Montana election law under Title 13, Chapter 37 of the Montana Code Annotated, enforcement of which falls 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.

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 provide documents detailing or describing the primary purpose of the Missoula Mayor political committee, including the allocation and source of the committee's budget, a breakdown of time spent by committee staff or members (including officers) engaging in electoral activity versus other activities, and a copy of any statement of purpose, bylaws, or similar document adopted by the committee. I would also request that this written response identify all candidates and/or ballot issues for election the Missoula Mayor political committee has made expenditures to support or oppose.

Please provide your response by 5:00 PM on Friday, July 28, 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 legal review, and reviewing 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 Mont. Code Ann. §45-7-207 (Tampering with or

fabricating physical evidence). This Office may need to review documents connected to your residency during the prescribed period. Accordingly, Mont. Code Ann. §13-37-111 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.

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 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 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.