

SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jeffrey A. Mangan, in his official capacity as the current Montana Commissioner of Political Practices (hereinafter “the Commissioner”) and the following party: Terry Bannan (hereinafter “the Respondent”).

Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana’s campaign finance and practices laws and rules, §§13-37-124 and 13-37-128 Mont. Code Ann. In order to resolve the pending litigation, the Commissioner and the Respondent enter into this agreement to resolve this matter.

1. On January 22, 2014 the Commissioner issued a Finding of Sufficient Facts to Support a Campaign Practice Violation, the Commissioner’s cause number COPP-2010-CFP-023 a (hereinafter “the Decision”). The Decision determined that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
2. On March 5, 2014, the Commissioner filed an enforcement action in the First Judicial District Court for the State of Montana, Lewis and Clark County, *COPP v. Bannan*, Cause No. CDV-2014-178, the Hon. Judge Seeley presiding.
3. The Respondent acknowledges that he has read and understands the Commissioner’s decision issued in the above referenced cause.
4. The Respondent acknowledges the District Court has found violations of Montana's Campaign Finance and Practice Laws in his 2010 campaign for House District 68.
5. This matter is settled under the following terms, for a total civil fine of \$18,000 payable to the people of Montana as follows:
 - a. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, and a payment of \$7,000.00 cash by the Respondent to the Commissioner on or before November 8, 2018; and
 - b. The Commissioner has determined to exercise his discretion in this matter and applies the principals of mitigation to supplement the monetary civil fine that could have been applied based on an agreement by also providing \$11,000.00 in personal services within two years to: the American Legion

Post 30 in Belgrade, Montana; Warriors and Quiet Waters Foundation Inc. of Bozeman, Montana; and the Shriner's Hospitals for Children, to fully and finally resolve all of the issues as set forth in the Decision and District Court Enforcement action.


- c. If the payment of the \$7,000 is not paid in full on or before the agreed-on date, the Respondent agrees to pay \$100 per day for each day or part of each day that the \$7,000 is not paid, plus payment of any attorney fees and costs incurred to enforce this agreement.
6. By my signature I, Terry Bannan, settle all claims, counterclaims and issues that are made or could be made in the First Judicial District Court for the State of Montana, Lewis and Clark County, *COPP v. Bannan*, Cause No. CDV-2014-178. I agree as a part of this settlement to join the motion to dismiss with prejudice *COPP v. Bannan*, Cause No. CDV-2014-178.
7. By my signature I, Jeffrey Mangan, the Commissioner of Political Practices of the State of Montana, accept this settlement agreement and the amount of \$18,000 in monetary and personal services as full settlement of all claims, counterclaims and issues that are made or could be made in the First Judicial District Court for the State of Montana, Lewis and Clark County, *COPP v. Bannan*, Cause No. CDV-2014-178. I agree as a part of this settlement to move to dismiss with prejudice *COPP v. Bannan*, Cause No. CDV-2014-178.
8. With the return of the executed settlement agreement the Respondent will remit to the Commissioner \$7,000.00 on or before the agreed upon date, on a check made out to: "Commissioner of Political Practices" and mailed to the Office of the Commissioner of Political Practices, 1209 8th Avenue, P.O. Box 202401, Helena, Montana, 59620.
9. In consideration of payment of the civil fine referenced above, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondent or other persons that may be named or unnamed in the Decision, based on the matters discussed in the Decision, Enforcement Action and in this Settlement Agreement.
10. The Respondent enters into this agreement to resolve litigation and settle this dispute with the people of Montana and the Commissioner. It is understood and agreed that the payment of the civil fine, completion of personal services referenced above, and execution of this settlement agreement by the Respondent

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is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims.

11. The Commissioner and the Respondent fully and forever release and discharge each other and their respective officials, officers, members, employees, successors, assigns, agents, ostensible agents, attorneys, and representatives from any and all actions, claims, causes of action, demands, expenses, damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the matters investigated by the Commissioner and summarized in the Decision, Enforcement Action and in this Settlement Agreement.
12. The Commissioner and the Respondent agree that the executed Settlement Agreement is a public document and will be made available to members of the public.
13. This settlement agreement, consisting of 3 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondent. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.



Jeffrey A. Mangan
Commissioner of Political Practices

10-10-18

Dated



Terry Bannan

10/10/18

Dated

