

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Steen v. Lore No. COPP 2021-CFP-024	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN PRACTICE ACT VIOLATION
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On October 29, 2021 Julie Steen of Billings, Montana filed a campaign practices complaint against Juliane Lore, of Laurel. The complaint alleges that candidate Lore filed a campaign finance report for incorrect report period, failed to timely disclose two pre-election expenditures via form C-7E, and failed to disclose her receipt of in-kind contributions received from businesses that exceeded Montana’s campaign contribution limits.

SUBSTANTIVE ISSUES ADDRESSED

Proper and timely reporting of pre-election political finance activity and in-kind contributions from a candidate.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: On June 2, 2021, Juliane Lore filed a C-1A Statement of Candidate as a candidate for election to the position of City Judge in the City of Laurel.

Finding of Fact No. 2: The City of Laurel, Montana is located in Yellowstone County, Montana. Yellowstone County did not conduct any municipal (city) primary elections in September 2021; the only

election municipal candidates in Yellowstone County participated in was the general election, held November 2, 2021.

Finding of Fact No. 3: On a C-5 campaign finance report dated August 15, 2021 through September 15, 2021, candidate Lore disclosed personally making three in-kind contributions to her campaign mentioning the Laurel Outlook newspaper, including: one with in-kind description of “Laurel Outlook Newspaper, Weekly Paper 9/23 Edition - Ad”, with in-kind value of \$180.00; one with in-kind description of “Print Ad – Platform – Laurel Outlook Newspaper”, with In-Kind Value of \$486.00; and one with in-kind description of “Laurel Outlook Newspaper, Print Ad – Color” , with in-kind value of \$180.00 (see Table 1.1). Originally filed on September 20, 2021, this report was most recently amended and filed on November 17, 2021.

Finding of Fact No. 4: On a C-5 campaign finance report dated September 16, 2021 through October 14, 2021, candidate Lore disclosed personally making three in-kind contributions to her campaign mentioning the Laurel Outlook newspaper, including: one with in-kind description of “2 weekly color ads, Laurel Outlook Newspaper, 10/7 and 10/14 editions”, with in-kind value of \$360.00; one with in-kind description of “Laurel Outlook Newspaper – 9/23 edition, color print ad” with in-kind value of \$180.00; and one with in-kind description of “Laurel Outlook Newspaper – 10/21 weekly edition color ad” with in-kind value of \$180.00¹ (see Table 1.1). The report also disclosed candidate Lore as personally making three (3) in-kind contributions to her campaign mentioning Allegra, including: one with in-kind description of “Postage costs, est. 2400 mailers, Allegra Print Marketing”, with in-kind value of \$611.35; one with in-kind description of “Allegra Marketing – Print Order – 100 1-sided Yard Signs w/ wire posts”, with in-kind value of \$950.00; and one with in-kind description of “Color flier for mailer, Allegra Print Marketing”, with in-kind value of \$500.00 (see Table 2.1). Originally filed on October 20, 2021, this report was most recently amended and filed on November 17, 2021.

Finding of Fact No. 5: Between October 15, 2021 and November 1, 2021, candidate Lore did not file any C-7 Notice of Pre-Election Contribution reports disclosing contributions received of \$125.00 or more from a single source, nor any C-7E Notice of Pre-Election Expenditure reports disclosing expenditures of \$125.00 or more.

¹ This advertisement was included on the original version of this report, filed by candidate Lore on October 20, 2021.

Finding of Fact No. 5A: On November 8, 2021, candidate Lore filed a C-7E Notice of Pre-Election Expenditures, dated October 18, 2021 through November 8, 2021. This report disclosed candidate Lore as making two campaign expenditures, one in the amount of \$500.00 dated October 29, 2021 to Allegra Marketing Print Mail, and one in the amount of \$180.00 dated October 19, 2021 to Laurel Outlook Newspaper. Later correspondence from candidate Lore received by the COPP indicated these activities were not paid for using campaign funds but instead were paid for personally by candidate Lore (see Finding of Fact No. 7).

Finding of Fact No. 6: On a C-5 campaign finance report dated October 15, 2021 through November 15, 2021, candidate Lore disclosed personally making one in-kind contribution to her campaign mentioning the Laurel Outlook newspaper, with in-kind description of "Laurel Outlook Print Ad, 10/28 edition", with in-kind value of \$180.00 (see Table 1.1). This report also disclosed candidate Lore as personally making one in-kind contribution to her campaign mentioning Allegra, with in-kind description of "Allegra Marketing – Print Order Payment – Color Flier/Mailing, Postage", with in-kind value of \$500.00 (see Table 2.1). Originally filed on November 8, 2021, this report was most recently amended and filed on November 17, 2021.

Finding of Fact No. 7: On November 8, 2021, candidate Lore, via email sent to COPP Investigator, indicated that "All of the funds used were my own money, I didn't get any donations...I've just paid for everything myself".

Finding of Fact No. 7A: On November 8, 2021, candidate Lore emailed the COPP a copy of Invoice 00008826, received by candidate Lore from the Laurel Outlook. Dated September 16, 2021, the invoice indicated that candidate Lore owed \$180.00 for advertisements, due September 16. The invoice indicated that candidate Lore had paid in full for this activity (see Table 1.2).

On this same date, candidate Lore emailed the COPP a copy of Invoice 00008838, received by candidate Lore from the Laurel Outlook. Dated September 23, 2021, the invoice indicated that candidate Lore owed \$180.00 for advertisements, due September 23. The invoice indicated that candidate Lore had paid in full for this activity (see Table 1.2).

On this same date, candidate Lore emailed the COPP a copy of Invoice 00009055, received by candidate Lore from the Laurel Outlook. Dated October 7, 2021, the invoice indicated that

candidate Lore owed \$360.00 for advertisements, due October 7. The invoice indicated that candidate Lore had paid in full for this activity (see Table 1.2).

On this same date, candidate Lore emailed the COPP a copy of Invoice 00009069, received by candidate Lore from the Laurel Outlook. Dated October 14, 2021, the invoice indicated that candidate Lore owed \$180.00 for advertisements, due October 14. The invoice indicated that candidate Lore had paid in full for this activity (see Table 1.2).

On this same date, candidate Lore emailed the COPP a copy of Invoice 00009091, received by candidate Lore from the Laurel Outlook. Dated October 21, 2021, the invoice indicated that candidate Lore owed \$180.00 for advertisements, due on October 21. The invoice indicated that candidate Lore had paid in full for this activity (see Table 1.2).

On this same date, candidate Lore emailed the COPP a copy of a note signed by the publisher of the Laurel Outlook. The note stated that candidate Lore “ran 5 ads in the Laurel Outlook. The cost was \$1080. She was charged full rate for each of the ads”.

Finding of Fact No. 7B: Also on November 8, 2021, candidate Lore emailed the COPP a copy of Invoice 141452, received by the campaign from Allegra Marketing Print Mail. Dated August 26, 2021, the invoice indicated that the Lore campaign owed Allegra \$2,549.82 for the printing and mailing of a campaign flier, broken down as: \$1,564.53 for printing; \$373.94 for mailing services; and \$373.94 for postage. An email message received by candidate Lore from Allegra Marketing Print Mail was also provided to COPP, which indicated that candidate Lore had placed this order on August 26, 2021 and made three payments on the total balance: \$611.35 on October 8, 2021; \$500.00 on October 15, 2021; and \$500.00 on October 29, 2021. The email indicated candidate Lore still owed an outstanding balance of \$938.47 on this obligation (see Table 2.2).

On this same date, candidate Lore also emailed the COPP a copy of Invoice 141789, received by the campaign from Allegra Marketing Print Mail. Dated September 20, 2021, the invoice indicated that the Lore campaign owed Allegra \$950.00 for yard signs. An email message received by candidate Lore from Allegra Marketing Print Mail was also provided to COPP, which indicated that candidate Lore had placed this order on September 20, 2021 and paid in full on September 23, 2021 (see Table 2.2).

Table 1.1: Candidate Contributions disclosed by candidate Lore on her August 15, 2021 through September 15, 2021 September 16, 2021 through October 14, 2021, and October 15, 2021 through November 15, 2021 C-5 campaign finance reports specifically mentioning newspaper advertisements or the Laurel Outlook.

In-Kind Description	In-Kind Value
Laurel Outlook Newspaper, Weekly Paper 9/23 Edition - Ad	\$180.00
Print Ad – Platform – Laurel Outlook Newspaper	\$486.00
Laurel Outlook Newspaper, Print Ad - Color	\$180.00

2 weekly color ads, Laurel Outlook Newspaper, 10/7 and 10/14 editions	\$360.00
Laurel Outlook Newspaper – 9/23 weekly edition, color print ad	\$180.00
Laurel Outlook Newspaper – 10/21 weekly edition color ad	\$180.00

Laurel Outlook print ad, 10/28 edition	\$180.00
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Table 1.2: Laurel Outlook obligation and payment status for all purchases made by candidate Lore as identified from vendor invoices.

Invoice #	Date of Invoice	Amount Owed	Date Payment Due	Status
00009528	09/09/2021	\$432.00	09/09/2021	Paid
00008826	09/16/2021	\$180.00	09/16/2021	Paid
00008838	09/23/2021	\$180.00	09/23/2021	Paid
00009055	10/07/2021	\$360.00	10/07/2021	Paid
00009069	10/14/2021	\$180.00	10/14/2021	Paid
00009091	10/21/2021	\$180.00	10/21/2021	Paid

Table 2.1: Candidate Contributions disclosed by candidate Lore on her September 16, 2021 through October 14, 2021 and October 15, 2021 through November 15, 2021 C-5 campaign finance reports specifically mentioning Allegra Marketing.

In-Kind Description	In-Kind Amount
Postage costs, ets. 2400 mailers, Allegra Print Marketing	\$611.35
Color flier for mailer, Allegra Print Marketing	\$500.00

Allegra Marketing – Print Order Payment – Color Flier/Mailing, Postage	\$500.00
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Table 2.2: Allegra Marketing Print Mail obligation and payment status for mailer purchases made by candidate Lore as identified from vendor invoices.

Invoice #	Invoice Date	Invoice Total	Date of Payment	Amount of Payment	Outstanding Balance (after last payment)
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141452	08/26/2021	\$2,549.82	10/08/2021	\$611.35	\$1,938.47
			10/15/2021	\$500.00	\$1,438.47
			10/29/2021	\$500.00	\$938.47

DISCUSSION

Candidates and committees are required to designate a depository into which all contributions and out of which all expenditures are made in a campaign, Mont. Code Ann. §13-37-205, Mont. Admin. R. 44.11.409. Many of the reasons that this requirement exists are highlighted by the issues with reporting and disclosure found in this decision. Candidates are responsible for reporting contributions, including in-kind contributions, and the dates and details of expenditures during a campaign, Mont. Code Ann. §13-37-229(1), (2). By reporting partial in-kind contributions from the candidate personally and not utilizing her campaign account for transactional campaign activity, candidate Lore omitted in reporting and disclosure of the entirety of activity that her campaign had incurred, and the dates that the full in-kind contribution and/or debts were incurred and retired, Mont. Code Ann. §13-37-229(2).

Finance Report reporting period

The first allegation made by the complainant in this matter was an allegation that candidate Lore filed a C-5 campaign finance report “for the incorrect reporting period”. This allegation was dismissed upon receipt of the complaint. As explained to the complainant in a letter notifying her that this complaint had been accepted, “Candidates who file campaign finance reports

that exceed the date range required under Mont. Code Ann. §13-35-228(2), are not subject to penalty, as they have met the relevant statutory requirement”.

No further consideration will be given to this portion of the complaint.

Failure to disclose certain expenditures

The second allegation contained in this complaint is that candidate Lore failed to disclose certain pre-election campaign expenditures as required. The complaint identifies two specific expenditures disclosed by candidate Lore on C-5 campaign finance reports as evidence: an October 15, 2021 expense in the amount of \$500.00 to Allegra Marketing, and an October 18, 2021 expense in the amount of \$180.00 to the Laurel Outlook Newspaper.

In examining all available evidence, specifically candidate Lore’s November 8, 2021 email message to COPP Investigator, amended C-5 campaign finance reports, and vendor invoices, candidate Lore made several reportable campaign in-kind personal contributions in obtaining items or services and failed to correctly report that campaign activity. It appears candidate Lore did not utilize a campaign account for her transactional activity (contributions deposited into an account; expenditures paid from the account). Candidate Lore specifically states that “All the funds used were my own money, I didn’t get any donations...I’ve just paid for everything myself” (FOF No. 7). By doing so, candidate Lore was required to fully disclose all in-kind contribution activity as required by law. After receipt of this complaint, candidate Lore amended previously filed C-5 campaign finance reports to show transactions

involving the Laurel Outlook Newspaper and Allegra Print Marketing as in-kind contributions made personally to her own campaign (FOF Nos. 3, 4, 6). Such activity as reported is considered an in-kind campaign contribution received by candidate Lore from herself under Mont. Code Ann. §13-1-101(9) and 44.11.401(1) and 44.11.403(2), ARM.

Candidate Lore introduced confusion into this matter by originally reporting certain services obtained from Allegra Marketing Print Mail and the Laurel Outlook newspaper in differing ways: as in-kind contributions received by the campaign from herself; as monetary contributions received by the campaign from herself; and as expenditures of the campaign. COPP accepts candidate Lore's assertion that all items or services were purchased personally, using personal funds, qualifying them as in-kind contributions received by the campaign. As reportable in-kind campaign contributions received from herself, each transaction involving the Laurel Outlook newspaper and Allegra Marketing Print Mail will be examined through Montana's statutory requirements for disclosing campaign contributions and expenditures.

The Commissioner first examines candidate Lore's Allegra Marketing Print Mail campaign activity. COPP's investigation determined candidate Lore made an August 26, 2021 purchase of campaign mailers, at a total cost of \$2,549.82 (FOF N. 7B, Table 2.2). Candidate Lore failed to report the \$2,549.82 August 26 transaction as an in-kind contribution to the campaign. Under 44.11.402(1), ARM, "A contribution becomes a contribution on the date it is received; or, in the case of an in-kind contribution, on the date *the consideration* is received by the

candidate” (emphasis added). In this transaction, Candidate Lore received the full consideration in the amount of \$2,549.82 on August 26, 2021.

The COPP determines candidate Lore failed to properly disclose the full value of an in-kind contribution made personally to her own campaign on the appropriate campaign finance report. Mont. Code Ann. §13-37-229(1), requires that candidates report:

(a) the amount of cash on hand at the beginning of the reporting period;

(b) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions, other than loans, of \$50 or more to a candidate, political committee, or joint fundraising committee, including the purchase of tickets and other items for events, such as dinners, luncheons, rallies, and similar fundraising events. If a contribution is made by a joint fundraising committee to a participant in the joint fundraising committee, the participant shall disclose the information in this subsection (1)(b) for each contributor of the funds allocated to the participant by the joint fundraising committee.

(c) for each person identified under subsection (1)(b), the aggregate amount of contributions made by that person within the reporting period and the total amount of contributions made by that person for all reporting periods;

(d) the total sum of individual contributions made to or for a political committee, candidate, or joint fundraising committee and not reported under subsections (1)(b) and (1)(c).

44.11.402(1), ARM, adds that “A contribution becomes a contribution on the date it is received; or, in the case of an in-kind contribution, on the date *the consideration* is received by the candidate” (emphasis added).

In other words, candidates need to disclose the full amount of a contribution received by their campaign on the finance report covering the

period in which the contribution was received. For in-kind contributions, this would be the date in which the consideration is received by the candidate. In the event of an item (yard signs and newspaper advertisements, for example), this would be the date the transaction occurred. Candidate Lore failed to meet these requirements when disclosing her personal contribution of campaign fliers from Allegra Print Marketing to the campaign.

On her campaign finance report dated September 16, 2021 through October 14, 2021, candidate Lore disclosed making two in-kind contributions for campaign mailers from Allegra Print Marketing: one in the amount of \$611.35 described as “Postage costs, est. 2400 mailers, Allegra Print Marketing”, and one in the amount of \$500.00 described as “Color flier for mailer, Allegra Print Marketing” (FOF No. 4, Table 2.1). According to invoices sent to candidate Lore by Allegra Print Marketing, this information only partially disclosed the transaction and was late disclosed.

Under Mont. Code Ann. §13-37-229(1)(c) and 44.11.402(1), ARM, candidate Lore needed to disclose the full amount of this contribution, \$2,549.82, on her August 15, 2021 through September 15, 2021 C-5 campaign finance report, as that was the report covering August 26, the date on which the consideration was received by the campaign. Rather than disclose this activity as one in-kind contribution valued at \$2,549.82 received on August 26, candidate Lore disclosed the activity as smaller in-kind contributions made personally by herself to the campaign each time a payment was remitted to Allegra. Individuals reviewing campaign finance reports filed by candidate Lore

would not know that the campaign fliers constituted a single \$2,549.82 in-kind contribution received by candidate Lore on August 26; they would instead see two in-kind contributions, totaling \$1,111.35, received during the September 16-October 14 reporting period. The remaining balance owed on this purchase by candidate Lore of \$938.47 had not been disclosed on any campaign finance report filed by candidate Lore, meaning individuals viewing candidate Lore's C-5 campaign finance reports would have no knowledge of the full value of the fliers.

By not disclosing the full value of the campaign fliers on the report covering August 26, the date the consideration was received by candidate Lore's campaign, candidate Lore failed to appropriately disclose the "aggregate amount of contributions" made by herself to her campaign during the August 15, 2021 through September 15, 2021 reporting period. This action represents a violation of §13-27-229(1), Mont. Code Ann.

Sufficiency Finding No. 1: Candidate Lore failed to properly and timely report an in-kind contribution in the amount of \$2549.82.

There are sufficient facts to show candidate Lore failed to disclose the total amount of an in-kind contribution from herself to the campaign, a violation of Mont. Code Ann. §13-37-229(1).

A second activity specifically noted by the complaint as requiring pre-election disclosure was a reported \$180.00 expenditure to the Laurel Outlook newspaper, dated October 18, 2021.

Mont. Code Ann. §13-37-226(1)(c) requires candidates file a financial report “within 2 business days of receiving a contribution of \$250 or more if the candidate is a candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day before the election” (emphasis added). Candidates are instructed to utilize form C-7, the Notice of Pre-Election Contributions, to disclose all contributions of \$125.00 or more received from a single source, however form C-5 may also be used so long as the contribution is disclosed within 2 business days- see Commissioner Mangan’s Dismissal in the matter of *Anderson v. Collins*, COPP-2021-CFP-017, for additional discussion. Regardless of the specific form utilized, Mont. Code Ann. §13-37-226(1)(c), makes it clear that any contribution of \$125.00 or more received from a single source between the 15th day of the month preceding an election in which a candidate participates and the day before the election must be disclosed within 2 business days by the candidate.

According to invoices received by candidate Lore from the Laurel Outlook, candidate Lore purchased ads in the amount of \$180.00 on October 21, 2021 (FOF No. 7A, Table 1.2). Candidate Lore was required to disclose this activity within 2 business days because: the activity would qualify as a contribution under Mont. Code Ann. §13-1-101(9), and 44.11.401(1), and 44.11.403(2), ARM; the contribution was received from a single source (candidate Lore); the contribution was greater than \$125.00 (\$180.00); and the

contribution was received between the 15th day of the month preceding Montana's November 2, 2021 municipal general election, in which candidate Lore was participating as a candidate for election, and the day before the election (October 21, 2021). Candidate Lore disclosed her receipt of this contribution within the 2 business days required by law by including it on a C-5 campaign finance report originally filed October 20, 2021 (FOF No. 4, Table 1.1). By including this contribution on a C-5 report filed within 2 business days of her campaign's receipt of the contribution, candidate Lore met the reporting requirements of Mont. Code Ann. §13-37-226(1)(c).

While not identified by the complainant in this matter, the COPP investigation determined that candidate Lore did fail to properly disclose one personal in-kind contribution of \$125.00 or more within 2 business days as required under Mont. Code Ann. §13-37-226(1)(c). On a C-5 campaign finance report dated October 15, 2021 through November 15, 2021, candidate Lore disclosed making one personal in-kind contribution to her campaign for the provision of an October 28, 2021 advertisement in the Laurel Outlook newspaper, at a cost of \$180.00 (FOF No. 6, Table 1.1). Candidate Lore was required to disclose this activity within 2 business days because: the activity would qualify as a contribution under Mont. Code Ann. §13-1-101(9) and 44.11.401(1), and 44.11.403(2), ARM; the contribution was received from a single source (candidate Lore); the contribution was greater than \$125.00 (\$180.00); and the contribution was received between the 15th day of the month preceding Montana's November 2, 2021 municipal general election, in which

candidate Lore was participating as a candidate for election, and the day before the election (October 28, 2021). In this case, candidate Lore did not disclose the campaign's receipt of this contribution within 2 business days, only disclosing it on a C-5 campaign finance report filed on November 8, 2021 and amended on November 17, 2021 (FOF No. 6).

Sufficiency Finding No. 2: Candidate Lore failed to timely file a required Pre-Election C-7 finance report within 48 hours of receipt of an in-kind contribution.

There are sufficient facts to show candidate Lore failing to disclose her receipt of a pre-election contribution within 2 business days, Candidate Lore failed to meet the requirements of Mont. Code Ann. §13-37-226(1)(c).

While the practice of paying for campaign items or services with personal funds (using a personal credit card to purchase materials for the campaign, for example) by a candidate is allowed, it is more likely to lead to reporting errors, failure to report, and other campaign finance and practice violations. The Commissioner strongly encourages all candidates to utilize a campaign account exclusively for campaign activity. Use of a separate campaign account is essential for candidates to track and disclose all reportable campaign contribution, expenditure, and all campaign obligations (loans, debts) activity as required. If a candidate decides to use personal funds to make campaign purchases, the best practice would be for the candidate to deposit personal funds into the campaign account, then use a debit or credit card associated with the campaign account to make the purchase. That way, the candidate can utilize personal funds as desired but can separate all campaign activity from

personal expenditure activity, avoiding a potential source of confusion when it comes to campaign finance disclosure.

Potential over-limits business contribution

The third and final allegation contained in this complaint is that candidate Lore received discounts on campaign expenditures from both the Laurel Outlook newspaper and Allegra Print Marketing, and that these discounts amounted to reportable campaign contributions received by candidate Lore. The complainant goes on to state that these contributions likely exceeded Montana's allowable campaign contribution limits.

As part of her response to this matter, candidate Lore provided the COPP copies of invoices received by herself from the Laurel Outlook newspaper and Allegra Print Marketing. Based on a review of all invoices, COPP determines that candidate Lore was charged market rate for all purchases. Candidate Lore has either paid in full or provided partial payment, with an outstanding balance still owed to the vendor, on all purchases (FOF Nos. 7A, 7B, Tables 1.2 and 2.2). No evidence suggests that either the Laurel Outlook newspaper or Allegra Print Marketing provided any discounts to candidate Lore. The publisher of the Laurel Outlook newspaper specifically stated that candidate Lore "was charged full rate for each of the ads" she ran in that publication (FOF No. 7A). The allegation is hereby dismissed.

DECISION

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner “shall investigate” any alleged violation of campaign practices law. Mont. Code Ann. § 13-37-111(2)(a). The mandate to investigate is followed by a mandate to take action; where there is “sufficient evidence” of a violation the Commissioner must (“shall notify,” *see id.*, at § 13-37-124) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence to show that Juliane Lore violated Montana’s campaign practice laws, including, but not limited to the laws set out in the Decision. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to fully and timely report and disclose cannot generally be excused by oversight or ignorance. Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file and report. *See Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that

failures to file or report be excused as *de minimis*. *Id.* (discussing *de minimis* principles).

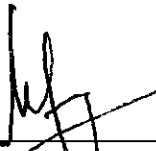
Because there is a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable to the above Sufficiency Findings, a civil fine is justified. Mont. Code Ann. § 13-37-124. The Commissioner hereby issues a “sufficient evidence” Finding and Decision justifying a civil fine or civil prosecution of Juliane Lore. Because of the nature of the violation, this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. *Id.*, at (1). Should the County Attorney waive the right to prosecute (*id.*, at (2)) or fail to prosecute within 30 days (*id.*, at (1)) this Matter returns to this Commissioner for possible prosecution.

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that the Matter is waived back, this Finding and Decision does not necessarily lead to civil prosecution as the Commissioner has discretion (“may then initiate” *see id.*) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In setting that fine the Commissioner will consider matters affecting mitigation, including the cooperation in correcting the issue when the matter was raised in the Complaint.

While it is expected that a fine amount can be negotiated and paid, in the event that a fine is not negotiated and the Matter resolved, the Commissioner

retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of campaign practice law, including those of Mont. Code Ann. §§13-37-226(1)(c), 13-37-229(1). *See id.*, at § 13-37-128. Full due process is provided to the alleged violator because the district court will consider the matter *de novo*.

DATED this 16th day of December 2021.



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