

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL
COMMISSIONER
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Date: June 6, 2017
To: The People of Montana
From: Jeff Mangan,
The Commissioner of Political Practices
Re: *In the Matter of the Complaints Against Robert T. Fanning*
April 23, 2013

Dear Fellow Montanans:

The COPP is not pursuing further enforcement, through settlement or litigation, of this matter. This letter is an explanation of how the COPP arrived at this determination.

The Sufficiency Decision issued by Commissioner Murry in this matter, dated April 23, 2013, found sufficient facts of violation of six statutes found in Montana's Campaign Practice and Finance laws.

In December of 2013 the Commissioner's attorney began efforts properly account for the reported and unreported contributions and expenditures based on information gathered during the investigation, in order to be able to begin settlement discussions with Mr. Fanning. During that process, the COPP reviewed Mr. Berry's complaint and discovered that of the 15 allegations made, only 4 were fully investigated and decided, and 2 were partially decided in the sufficiency decision.

Mr. Fanning's January 5, 2012 Candidate Finance Report (C-5) should have disclosed at least \$7,229.31 in contributions, \$2,554.31 of which were not disclosed on the single report filed on March 14, 2012. The same report should also have reported \$6,225.74 in expenditures, \$696.21 of which were never disclosed to Montanans.

Mr. Fanning's March 10, 2012 Candidate Finance Report (C-5) should have disclosed at least \$4,114.74 in contributions, \$1,509.74 of which were not disclosed on the report filed on March 14, 2012. The same report should also have reported \$6,062.13 in expenditures, \$4,827.49 of which were never disclosed to Montanans.

Mr. Fanning's April 10, 2012 Candidate Finance Report (C-5) should have disclosed at least \$1,156.93 in contributions and at least \$1,567.33 in expenditures, none of which were ever reported or disclosed to Montanans.

Mr. Fanning's May 21, 2012 Candidate Finance Report (C-5) should have disclosed at least \$1,152.74 in contributions and at least \$2,054.97 in expenditures, none of which were ever reported or disclosed to Montanans.

Mr. Fanning's May 31, 2012 Candidate Finance Report (C-5) should have disclosed at least \$12.99 in contributions and at least \$482 in expenditures, none of which were ever reported or disclosed to Montanans.

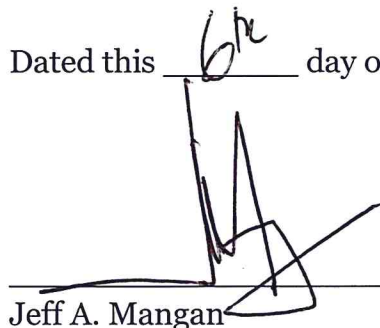
Finally, Mr. Fanning's June 25, 2012 Candidate Finance Report (C-5) (which could have also been his closing report) should have disclosed at least \$644.79 in expenditures, none of which were ever reported or disclosed to Montanans.

We are not further pursuing settlement or litigation against Mr. Fanning's 2012 campaign. Taking into consideration amount of time and money already expended by the Commissioner's office in order to attempt to bring Mr. Fanning's 2012 Governor campaign into compliance with Montana's Campaign Finance reporting and disclosure laws, and the resources of the COPP, the Commissioner makes the following determination on behalf of the people of Montana.

The Commissioner hereby exercises his discretion and determines that expending further public funds to bring a settlement or civil enforcement action in this matter against Mr. Fanning's 2012 campaign for Governor of Montana would be an unwise use of taxpayers resources, Mont. Code Ann. § 13-37-124(1).

For these reasons, this matter ends with this letter.

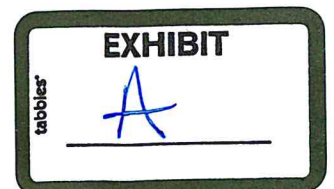
Dated this 6th day of June, 2017.



Jeff A. Mangan
Commissioner of Political Practices of the State of Montana
P.O. Box 202401
Helena, MT 59620-2401
406-444-2942

JMac 12/3/13

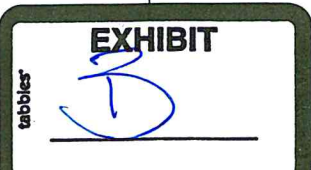
Fanning for Governor				
Bank Statement Date	Beginning Balance	Deposits	Expenses	Ending Balance
11/14/2011	\$ 100.00	\$ 200.34		\$ 300.34
11/21/2011	\$ 300.34	\$ 6,578.79	\$ 4,904.99	\$ 1,974.14
12/19/2011	\$ 1,974.14	\$ 1,908.69	\$ 1,902.06	\$ 1,980.77
1/13/2012	\$ 1,980.77	\$ 1,508.92	\$ 2,541.10	\$ 948.59
2/17/2012	\$ 948.59	\$ 1,730.61	\$ 1,502.01	\$ 1,177.19
3/19/2012	\$ 1,177.19	\$ 413.90	\$ 1,418.68	\$ 172.41
4/16/2012	\$ 172.41	\$ 1,015.74	\$ 1,109.39	\$ 78.76
Total		\$ 13,356.99	\$ 13,378.23	
C-5 Due Date		Contribuions	Expenditures	
1/5/2012		\$ 7,229.31	\$ 6,225.74	
3/10/2012		\$ 4,144.74	\$ 4,116.84	
4/10/2012		\$ 1,156.93	\$ 1,567.33	
5/21/2012		\$ 1,152.74	\$ 2,057.97	
5/31/2012			\$ 482.00	
6/25/2012			\$ 644.79	
Total		\$ 13,683.72	\$ 15,094.67	



Fanning for Gov Reports

Mar 12/13

Report	Contributions	Expenditures	Total
Jan 5, 2012	Arthur Hollowell \$100	Nancy Willette \$850	Deposits \$7,229.31
- December 31, 2011	Brett Weiss \$100	All Serve Tire \$115.50 (1001)	Cont. Reported \$4,675
This report 64 days late	Chad Wagner \$50	Barnes and Noble \$21.95 (1011)	Cont. Not Rptd \$2,554.31
	Charles Mills \$100	Century Link \$108.10 (1014)	
	Christopher Lowm \$100	First Interstate \$18.00	
	Dan Jackowiak \$100	I-90 \$130.34 (1007)	
	Earlene Gibbs \$100	Mtn View Prod. \$100 (1006)	
	Eric Johnson \$50	Murdochs \$45.46 (1018)	
	Eric Johnson \$50	Pay Pal \$83.36	
	Frances Gettys \$50	Sykes \$570 (1005)	
	Fredrick Hammel \$50	Town Pump \$60 (1020)	
	Jack Faw \$50	Town & Cntry \$39.04 (1019)	
	James Fox \$10	W. Vallender (Unknown) \$100	
	James Fox \$20	Verizon Wireless \$238.10	
	James Fox \$5	Walmart \$50.15 (1008)	
	James Fox \$5	Western Drug \$54.31 (1016)	
	James Piorek \$50	Town Pump \$104.08 (1015)	
	Jim Misitura \$250	Rib and Chop \$60.40 (1017)	
	John Plante \$60	Town and Country \$45.61 (1013)	
	Karen Calisterio \$100	All Serve Tire \$100 (1009)	
	Kathry Isenberger \$50	Oathkeepers \$130 (1010)	
	Lelani Jones \$50	Town Pump \$40 (1004)	
	May Woo \$100	Town Pump \$100.37 (1003)	
	Mark Irwin \$500	Trenton Hancock \$115.75 (1002)	
	Marlina Robins \$50	Dr. Ed Berry \$995.22	
	Mary Fanning \$500	Porters Automotive \$1,950	
	Mary Epstein \$250		
	Paul Epstein \$250		
	Paul Stramer \$50		
	Paul Stramer \$50		
	Renee Haley \$50		
	Robert Campbell \$25		
Total \$7,229.31		Total \$6,225.74	



<p>Robert Eoff \$50 Rodney Johnson \$100 Roger Dwyer \$500 Russell Barnett \$250 Thomas Welsh \$50 Timothy Fanning \$100 Tom Fanning \$250 Tom Power \$100 Tom Robbins \$50 William Heffern \$100 William Scott \$50</p> <p>Total \$3,635</p>		<p>All Serve Tire \$780 (1029) Park Elect Coop \$245.49 (1028) Radio Shack \$145 (1031) Uptown Café \$15.15 Wispwest \$49 (1032) SOS \$1,945.29 *** Town Pump \$100 Town Pump \$100 Pilot \$100 Howards Ez Stop \$99 Verizon Wireless \$138.07 W Callender \$80 Town Pump \$100 Century Tel \$62.41 (1030) BigSky Insurance \$104.02 (1027) Crash Repair \$52 (1024) Livingston Inn \$40.30 (1023) Radio Shack \$58.98 (1022) The UPS Store \$68.58 (1021) Town Pump \$83.36</p>	<p>Deposits \$4,144.74</p> <p>Cont Reported \$2,635 Cont Not Rptd \$1,509.74 Total \$4,144.74</p> <p>Exp Reported \$1,234.64 Exp Not Rptd \$4,827.49 Total \$6,062.13</p> <p>Also Dr. Berry In-Kind or donation of \$1,000</p>
<p>March 10, 2012 - March 5, 2012</p> <p>This report was filed 3/14/12, 9 days late</p> <p>Rally \$95.50 1/06/12 Rally \$28.64 1/11/12 Rally \$334.25 1/11/12 Deposit \$1100 1/12/12 Rally \$47.75 1/17/12 Rally \$23.87 1/24/12 Rally \$33.42 1/25/12 Rally \$23.87 1/30/12 Rally \$95.50 1/31/12 Rally \$95.50 2/1/12 Rally \$81.16 2/3/12 Rally \$9.55 2/7/12 Rally \$214.87 2/8/12 Rally \$14.32 2/9/12</p>	<p>Arthur Hollowell \$50 Bud Martin \$100 Casper Offut \$100 C. Williams \$100 Connie Terry \$100 David Speer \$250 David Speer \$250 David Speer \$100 James Fox \$10 Jim Johnson \$100 Kevin Montano \$50 May Woo \$100 Patrick Jensen \$400 Rena Wetherelt \$100 Renee Evans \$100 Robert Campbell \$25 Ron Johnson \$500 Scott Rockholm \$50 Tarey Mayn \$100 Thomas Remington \$50</p>	<p>All Serve Tire \$780 (1029) Park Elect Coop \$245.49 (1028) Radio Shack \$145 (1031) Uptown Café \$15.15 Wispwest \$49 (1032) SOS \$1,945.29 *** Town Pump \$100 Town Pump \$100 Pilot \$100 Howards Ez Stop \$99 Verizon Wireless \$138.07 W Callender \$80 Town Pump \$100 Century Tel \$62.41 (1030) BigSky Insurance \$104.02 (1027) Crash Repair \$52 (1024) Livingston Inn \$40.30 (1023) Radio Shack \$58.98 (1022) The UPS Store \$68.58 (1021) Town Pump \$83.36</p>	<p>Deposits \$4,144.74</p> <p>Cont Reported \$2,635 Cont Not Rptd \$1,509.74 Total \$4,144.74</p> <p>Exp Reported \$1,234.64 Exp Not Rptd \$4,827.49 Total \$6,062.13</p> <p>Also Dr. Berry In-Kind or donation of \$1,000</p>

Rally \$33.42 2/10/12 Rally \$596.87 2/13/12 Rally \$238.75 2/14/12 Deposit \$600 2/21/12 Rally \$143.25 2/22/12 Rally \$238.75 2/24/12 Rally \$95.50 2/28/12 Total \$4,144.74	Bob Fanning \$1,000 Total \$3,635	The Mint Bar \$35 Town Pump \$100 (1/6/12) Red Box \$1.20 Redbox \$2.40 Town Pump \$100 (1/12/12) West Callender \$200 Lindley Perk \$3.75 Lindley Perk \$5 Walmart \$17 Town Pump \$99.61 Exxon Mobil \$2.49 Shanghai Village \$21.48 Exxon Mobil \$100 West Callender \$100 Radio Shack \$97.97 Town Pump \$82.35 W Callender \$100 Verizon wireless \$189.52 (1026) Exxon Mobile \$71.65 W Callender \$200 (2/8) Rimview Inn \$66.06 The Fort \$100 Total \$4,827.49		
April 10, 2012 - April 5, 2012 This report not filed Rally \$143.24 3/14/12 Rally \$95.50 3/15/12 Rally \$14.32 3/16/12 PayPal \$400 3/16/12		Wisp West \$49 (1033) YCRCC \$65 (1034) Town Pump \$100 Research fee \$6.25 Check Images \$11 Town Pump \$65.08 (3/6) Town Pump \$100 (3/7) Town Pump \$100 (3/11) EIG Start Logic \$13.99	Cont not rptd \$1,156.93 Exp not rptd \$1,567.33	

<p>Deposit \$240 3/21/12 Rally \$23.87 3/21/12 Total \$1,156.93</p>		<p>FIG Start Logic \$29.95 Town Pump \$55.37(3/15) FIG Start Logic \$109.30 Rindals Country \$100 Great Northern \$71.69 Verizon Wireless \$131.59 Town Pump \$93.80 Petty Cash \$80 Town Pump \$100 (3/26) Town Pump \$80.31 (3/30) Town Pump \$100 (3/30) Town Pump \$105 (4/4) Total \$1,567.33</p>	
<p>May 21, 2012 - May 16, 2012 This report not filed Deposit \$150 4/12/12 Rally \$23.87 4/25/12 Rally \$23.87 4/26/12 Rally \$477.50 4/27/12 Rally \$477.50 5/9/12 Total \$1,152.74</p>		<p>YCJBS \$120 (1035) Insty Prints \$419.95 (1036) Benchmark Mail \$14.95 Pelican Truck Stop \$100.05 Town Pump \$80.22 Paypal fee \$2.04 Exxon Mobile \$90 Paypal Avangate \$255.03 Town Pump \$100 Verizon Wireless \$12.99 Verizon Wireless \$131.50 Town Pump \$105 Benchmark Mail \$14.95 Thriftway \$105 Office Max \$35.78 Livingston Enterprise \$78 Yellowstone Inn & Conf \$100 Gateway office Supply \$1.75 Rib & Chop \$49.30</p>	<p>Cont not rptd \$1,152.74 Exp not rptd \$2,054.97</p>

		<p>Yellowstone Truck Stop \$40 Off the Cuff \$8.61 Town Pump \$116.85 (5/10/12) Insty Prints \$70 (5/2/12) Insty Prints \$3.00 (5/1/12)</p> <p>Total \$2,054.97</p>	
<p>May 31, 2012 - May 26, 2012 This report not filed Verizon \$12.99 5/21/12</p>		<p>Town & Country \$9.20 Insty Prints \$60.80 The Needle's Point \$88.00 All Service Tire \$324.00</p> <p>Total \$482</p>	<p>Cont not report \$ 12.99 Exp not report \$482</p>
<p>June 25th, 2012/ Closing - June 20, 2012 This report not filed</p>		<p>Porters \$100 Town & Country \$26.98 Town & Country \$6.90 Porters \$510.91</p> <p>Total \$644.79</p>	<p>Exp not report \$644.79</p>