

BEFORE THE COMMISSIONER
OF POLITICAL PRACTICES

Buell v. Footloose Montana for Trap Free Public Lands, an incidental committee	Summary of Facts and Finding of Insufficient Evidence to Show Violations of Montana's Campaign Practices Act
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Footloose Montana for Trap Free Public Lands (“Incidental Committee”) is an incidental political committee organized in August 2009. As stated in its initial Form C-2 Statement of Organization, the Incidental Committee was formed “To record financial contributions from Footloose Montana, a 501(c) (3) corporation, to the ballot initiative committee named ‘Montanans for Trap-Free Public Lands.’”

As described more fully in Buell v. Montanans for Trap Free Public Lands, a companion case decided simultaneously with this matter, Montanans for Trap Free Public Lands (“Ballot Committee”) is a ballot issue committee organized in August 2009 to support a proposed initiative, eventually titled I-160. If passed, I-160 would have, with certain exceptions, prohibited the trapping of wild mammals and birds on Montana public lands. Not enough signatures were gathered to qualify I-160 for the 2010 election.

Footloose Montana (“Footloose”) was incorporated in 2007, two years earlier than formation of the above-referenced political committees. According to the organization’s website, Footloose promotes “trap-free public lands for people, pets and wildlife,” which includes providing “information about the threat of trapping to public safety on public lands and its impact on our pets and wildlife.”¹

Montanans for Effective Wildlife Management was a ballot issue committee organized to oppose I-160. On July 8, 2010, Jim Buell, the treasurer for Montanans for Effective Wildlife Management, filed a complaint against the Incidental Committee involving a Recreational Vehicle (RV) and its use in gathering signatures to support the I-160 petition-signing drive. Specifically, the complaint alleged that the Incidental Committee:

1. Failed to report \$3,500 as an expenditure to purchase the RV for use in signature gathering;
2. Failed to list \$915.00 as income to the Incidental Committee in the form of a rental payment for the RV;
3. Failed to list \$10,000.00 as a donation in the form of the RV.

In September of 2010, an answer and amended answer were filed by the Incidental Committee’s attorney, Jonathan Motl. During May 2013, Jonathan Motl was appointed

¹ <http://www.footloosemontana.org/>

Commissioner of Political Practices. An investigator outside the staff of the Commissioner's office was appointed to investigate the factual allegations raised by this complaint. The undersigned was appointed, pursuant to §13-37-111, MCA, as Deputy Commissioner of Political Practices for purposes of resolving this complaint and the related complaint, Buell v. Montanans for Trap Free Public Lands.

For the reasons explained below, the Deputy Commissioner finds insufficient evidence to show violations of Montana law on the part of the Incidental Committee.

I. SUMMARY OF FACTS

Anja Heister was the executive director of Footloose from September 2007 to November 2012. Dave Taylor is her partner. They both played a large role in the activities of Footloose during the time period at issue in this complaint. They were both active in gathering signatures for the I-160 ballot initiative.

According to the investigation, Dave Taylor purchased an RV and donated it to Footloose in 2007. The RV was used for educational purposes on behalf of Footloose, not only for signature gathering. Workshops on the hazards and impact of trapping were given from the RV as it was used for travel around Montana.

In the spring of 2010, the RV was used for the signature drive for I-160. Buell's complaint brought attention to a Helena Independent Record article dated April 25, 2010, reporting that Heister and Taylor were soliciting signatures to place I-160 on the ballot with use "of the 1985 motor home they picked up for a pittance of \$3,500.00."

The Ballot Committee reported receipt of in-kind contributions relating to use of the RV, as well as expenditures for purchases, such as gas, relating to travel with the RV.

II. FINDINGS OF INSUFFICIENT EVIDENCE TO SUPPORT VIOLATIONS

Buell's first allegation is that Incidental Committee improperly failed to list "the \$3,500.00 expenditure to purchase the RV used in the signature gathering campaign for I 160." Where the RV was not purchased by the Incidental Committee, this allegation has no basis.

Buell's second allegation is that the Incidental Committee should have reported "\$915.00 received as a rental payment on the RV owned by FMTFPL," as referenced in the Ballot Committee's C-6 for the period May 30 to June 5, 2010, as an expenditure for "RV Rental." The rental payment, however, was from the Ballot Committee to Footloose as an organization, not to the Incidental Committee, which was an Incidental Committee organized to record financial contributions from the non-profit company Footloose to the Ballot Committee. As noted above, Taylor had donated the RV to Footloose in 2007. The Incidental Committee was not required to make note of an expenditure made by the Ballot Committee in the form of a rental payment to the organization Footloose. The second allegation does not state a violation of campaign reporting laws.

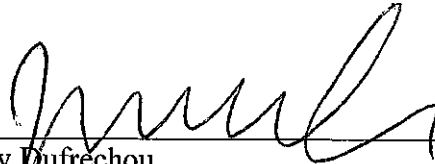
Buell's third allegation is that the Incidental Committee failed to list "the \$10,000 reportedly received from Dave Taylor." Buell made reference to the Helena Independent Record article, which included the sentence: "Taylor took \$10,000 from his small Missoula business to fund the grassroots effort."

The investigation revealed no evidence that Taylor contributed \$10,000 to the Ballot Committee. The evidence indicates Taylor had been involved with the efforts of Footloose as an organization for several years. The filings with the Commissioner's office document various contributions from Footloose to the Ballot Committee. Buell's allegation based on a summary reference in a newspaper article does not establish a violation of law.

CONCLUSION

There is insufficient evidence to conclude that Footloose Montana for Trap Free Public Lands, an incidental committee, violated Montana campaign finance and practices laws.

Dated this 13th day of November, 2013.



Jay Dufrechou
Deputy Commissioner of Political Practices