

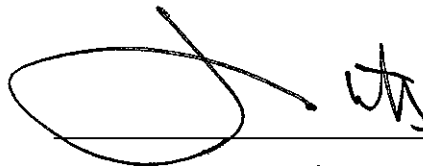
BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Clark v Bannan No. COPP-2010-CFP-023	NOTICE OF COMPLAINT
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This Complaint against Terry Bannan of Belgrade, Montana grows out of that certain Complaint, captioned *Clark v Assembly Action Fund* No. COPP-2010-CFP-013, filed in July of 2010. The Assembly Action Fund (AAF) placed its name as the sponsor of certain attack flyers mailed against certain 2010 candidates for the Montana legislature. At least one of the AAF flyers was mailed in an attack on Kelly Flynn, the candidate who ran against candidate Terry Bannan in the 2010 Republican primary election for House District 68.

By this Notice candidate Bannan and the public are informed that, pursuant to §13-37-111(2)(a) MCA and 44.10.307(3) ARM, the Commissioner will in this Matter now consider the coordination/corporate contribution issues, including the involvement of candidate Bannan, comparable to those addressed by or inherent in *Bonogofsky v Kennedy* COPP 2010-CFP-15 and the companion matter of *Bonogofsky v Western Tradition Partnership* COPP 2010-CFP-7.

DATED this 12th day of November, 2013.



Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1205 8th Avenue
Helena, MT 59620
Phone: (406)-444-4622

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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November 12, 2013

Terry Bannan
PO Box 1468
Belgrade, MT 59714

Via: Regular and certified mail
Re: 2010 HD 68 activity

Dear Mr. Bannan:

I enclose a Notice of opening of the COPP complaint filed against you over activities involved in your 2010 candidacy for House District 68. The Notice is self-explanatory. The *Bongofsky v Kennedy* Decision referenced in the Notice is available for reading and printing from the Commissioner's website. Please call Karen at our office if you have difficulty finding the Decision on the website.

Please review the Notice and the *Bonogofsky v Kennedy* Decision. The Commissioner, pursuant to §13-37-111(2)(c) MCA, hereby declares and requires production of all "books, papers, correspondence, memoranda ...or other records" between yourself (or any agent of your campaign) and Christian LeFer, Allison LeFer, Western Tradition Partnership, General Consulting, Direct Mail and Communications, Inc., Assembly Action Fund, Montana Citizens for Right to Work and any agent of these people or entities. Please assemble any such documents and notify me when I may inspect the same. Section 13-37-208, MCA requires that the treasurer for each candidate and political committee preserve campaign account documents for at least four years.

As Commissioner, I am authorized 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, correspondence, memoranda, bank account statements, or any other records that are relevant or material for the purpose of conducting an investigation. (§ 13-37-111, MCA.) Your preservation and production of all such documents is required and destruction of any such evidence is punishable:

§ 45-7-207, MCA. 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, he:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in such 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 such 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

At this time the COPP complaint against you is made as part of an pre-adjudication process that requires the Commissioner to determine whether or not there is sufficient evidence to demonstrate a violation of Montana's campaign practice laws. This process results in a Decision, such as the *Bonogofsky v Kennedy* Decision, that can lead to civil charges, in the form of a complaint, being brought against you in Montana state district court by the Commissioner or a County Attorney.

Any state district court complaint brought against you alleging a violation of campaign practice law automatically insures that you are provided full civil due process protection and rights through the Court system. While the Commissioner's Decision is the necessary precursor to any such district court complaint, the Decision process also provides you an informal opportunity to provide information showing that the evidence is not sufficient to support adjudication of any campaign practice violation. I hereby provide you 20 days for provision of the information, as demanded above. Please contact me should you have any questions or concerns about this Matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan R. Motl', is written over the printed name. The signature is stylized and includes a large loop at the beginning.

Jonathan R. Motl
Commissioner of Political Practices