

## SETTLEMENT AGREEMENT

This settlement agreement is entered into by Jonathan R. Motl, in his official capacity as the current Montana Commissioner of Political Practices (hereinafter “the Commissioner”) and the following parties: the law firm of Dastopoulos, MacDonald and Lind, P.C. and its attorneys (“Respondents”).

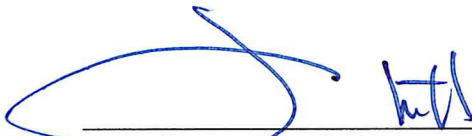
Montana law authorizes the Commissioner to file an action in district court in order to seek a civil penalty for violation of Montana’s campaign finance and practices laws and rules, §§13-37-124 and 13-37-128 Mont. Code Ann. In order to avoid litigation, the Commissioner and the Respondents enter into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

1. A campaign practice complaint was filed against Respondents on August 20, 2014 concerning the Respondents actions taken during Montana’s primary and general elections. The Commissioner issued a Decision responding to the Complaint, dated October 8, 2014.
2. The Decision documents prepared by the Commissioner are posted for public viewing on the COPP website under *Clark v. Datsopoulos, MacDonald and Lind, P.C.* No. COPP-2014-CFP-033A. The reader of this Settlement Agreement is directed to these documents for a summary and description of the issues resolved by this Settlement Agreement.
3. The Respondents acknowledge that they have read and understand the Commissioner’s Decision issued in this Matter.
4. The issue for which the social debt (fine) is assessed is that of improper campaign activity, particularly improper provision of in-kind value to candidates and improper involvement of a corporate entity in campaign activity.
5. This Matter is settled under the following terms:
  - a. The Respondents agree to pay the amount of \$1,338.02 as a civil fine to resolve this Matter. This fine is based on the value of in-kind materials and catering costs that were provided through the corporate entity to a particular candidate.
  - b. The Commissioner applies mitigation to offset additional fines that could have been applied based on Respondents’ in-kind actions with other candidates and the likelihood that division of the value of goods and services provided through the corporate entity among law firm principals

would have caused some principals to exceed contribution limits. Mitigation is applied based on three factors:

- i. The Respondents intended and promoted a valuable social component through their in-kind activity --- that is facilitating a community gathering of people to hear from and potentially support a candidate for public office.
    - ii. The Respondents have acted forthrightly and fully cooperated during any investigation or discussion of this Matter.
    - iii. The Respondents have pledged their support and co-sponsorship (up to \$400 of costs in expense or in-kind) of a continuing legal education (CLE) program to be offered in Missoula on the topic of the role of attorneys involved in campaigns involving ballot issues or candidates. The CLE will be held in the fall of 2017 or spring of 2018 in advance of 2018 elections.
  - c. The Commissioner settles this Matter with the understanding that Respondents actions were negligent and not deliberate as to any violation of Montana's Campaign Finance and Practice Laws. It is understood and agreed that the payment of the civil fine referenced above, and execution of this settlement agreement by the Respondents is accepted as the sole consideration for full satisfaction and compromise of what are disputed claims.
6. The Commissioner and the Respondents agree that execution of this settlement agreement by both parties, and a payment of a civil fine in the amount of \$1,338.02 cash plus the pledge of cooperation as to the CLE by the Respondents, fully and finally resolves all of the issues as set forth in the Decision.
  7. Simultaneously with the return of the executed settlement agreement the Respondents will remit to the Commissioner \$1,338.02 , on a check made out to: "Commissioner of Political Practices" and mailed to the Office of the Commissioner of Political Practices, 1209 8<sup>th</sup> Avenue, P.O. Box 202401, Helena, Montana, 59620.
  8. In consideration of payment of the civil fine referenced above, the Commissioner agrees not to pursue any further administrative or court proceedings against the Respondents or other persons that may be named or unnamed in the Decision, based on the matters discussed in the Decision and in this Settlement Agreement.

9. The Commissioner and the Respondents 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 and in this Settlement Agreement.
  
10. The Commissioner and the Respondents agree that the executed Settlement Agreement is a public document and will be made available to members of the public.
  
11. This settlement agreement, consisting of 3 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondents. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.

  
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 Jonathan R. Motl  
 Commissioner of Political Practices

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 2-28-17  
 Dated

  
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 Molly Howard for all Respondents

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 2-23-17  
 Dated

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