

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Esp v Montana Citizens for Right to Work No. COPP-2010-CFP-026	NOTICE OF COMPLAINT
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This Complaint against Montana Citizens for Right to Work (MCRTW) grows out of those certain Complaints, captioned *Esp v WTP* No. COPP-2012-CFP-048, filed in December of 2012. By this Notice MCRTW 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 MCRTW, comparable to those addressed by or inherent in *Bonogofsky v Kennedy* COPP 2010-CFP-15 and the companion matter of *Bonogofsky v Montana Citizens for Right to Work* COPP 2010-CFP-010. The caption is dated for 2010 because the events complained of in the Esp complaint took place during the 2010 election cycle.

DATED this 12th day of November, 2013.



Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
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COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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November 12, 2013

Montana Citizens for Right to Work
c/o James Brown
Attorney at law
PO Box 4893
30 S. Ewing, STE 100
Helena, MT 59604-4893

Via: Regular and certified mail
Re : House District 61 WTP Activity

Dear Mr. Brown:

I enclose a Notice of a COPP complaint filed against Montana Citizens for Right to Work (MCRTW) over activities related to its involvement in the 2010 primary election for Montana House District 61. 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 MCRTW (including agents) and any candidate in the 2010 HD 61 election. 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

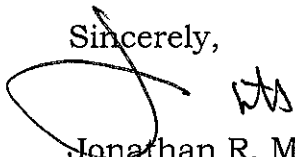
(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in such proceeding or investigation.

(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 MCRTW is made as part of a pre-adjudication process that requires the Commissioner to determine whether or not there is sufficient evidence to adjudicate 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 MCRTW in Montana state district court by the Commissioner or a County Attorney.

Any state district court complaint brought against MCRTW alleging a violation of campaign practice law automatically insures that MCRTW is 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 MCRTW an informal opportunity to respond as to why the evidence is not sufficient to support adjudication of any campaign practice violation. I hereby provide MCRTW 20 days for provision of the information, as demanded above. Please contact me should you have any questions or concerns about this Matter.

Sincerely,



Jonathan R. Motl
Commissioner of Political Practices