

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

Date: November 6, 2015
To: The People of Montana
From: Jonathan Motl,
The Commissioner of Political Practices
Re: *Essmann v. Patients for Reform – Not Repeal*
COPP-2012-CFP-034

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 the Commissioner in this matter, dated November 20, 2014, found sufficient facts of two reporting violations of Montana Campaign Practice and Finance laws.

In May of 2015 the Commissioner's attorney began efforts to locate and begin settlement discussions with any of the individuals associated with the committee, and has been unsuccessful in contacting anyone associated with the committee¹. The settlement amount in payment of a civil fine would also be minimal².

We are not further pursuing settlement or litigation against Patients for Reform – Not Repeal because it is a defunct political committee. Despite the efforts of the Commissioner's office, we have been unable to locate a responsible party. Taking into consideration amount of time and money already expended by the Commissioner's

¹ Based on the Sufficiency Decision, on December 2, 2014, the Commissioner sent the sufficiency finding to the Lewis and Clark County Attorney for his consideration pursuant to Mont. Code Ann. § 13-37-124. The Lewis and Clark County Attorney waived his participation in the case. Once a County Attorney has waived their participation in enforcement of a Sufficiency Decision, jurisdiction for enforcement returns to the Commissioner, *id.*

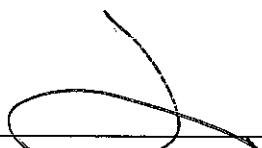

² Although there were eight late reports, the amount of contributions and expenditures were minimal, and fully disclosed before the date of the election. Six of the late reports were filed before the complaint was filed in this matter, *see Landsgaard v. Peterson*, COPP-2014-CFP-008. The remaining two late reports disclosed no new contributions or expenditures, and only reported a bank balance of \$117.24.

office, the resources of the defunct committee, the lack of a responsible party, and the resources of the Office of the Commissioner of Political Practices, 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 the treasurer or deputy treasurer of Patients for Reform – Not Repeal 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 November, 2015.

Jonathan R. Motl
Commissioner of Political Practices of the State of Montana
P.O. Box 202401
Helena, MT 59620-2401
406-444-2942