


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 party: Mark A. Sweeney (hereinafter “the Respondent”).

Montana law authorizes the Commissioner to file an action in Montana 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 based on the *Gutsche v. Sweeney*, COPP-2016-CFP-0014 decision, the Commissioner and the Respondent enter into this agreement to resolve this matter.

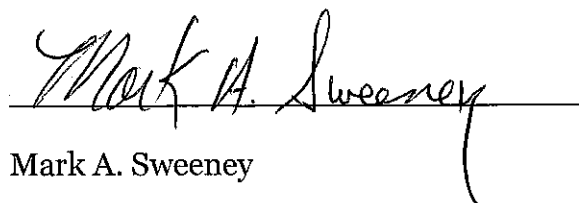
1. The Commissioner acknowledges that Ms. Gutsche filed a Campaign Finance and Practices Complaint against the Respondent for violation of Montana’s campaign finance and practices laws on May 16, 2016.
2. On May 24, 2016, the Commissioner issued a Summary of Facts and Finding of Sufficient Evidence to Show a Violation of Montana’s Campaign Practices Act, the Commissioner’s cause number COPP-2016-CFP-014 (hereinafter “Decision”). The Decision determined that sufficient facts existed to show that the Respondent failed to comply with certain campaign finance and practices laws and administrative regulations.
3. The Respondent acknowledges that he has read and understands the Commissioner’s decision issued in the above referenced cause.
4. The Respondent acknowledges the findings of fact contained in the decision. The Respondent admits a campaign advertisement (robocalls) failed to comply with the attribution requirements of Mont. Code Ann. §13-35-225.
5. The Commissioner and the Respondent agree that execution of this settlement agreement by both parties, together with a payment of a civil fine in the amount of \$100.00 by the Respondent, fully and finally resolves all of the issues as set forth in the Decision.
6. Simultaneously with the return of the executed settlement agreement the Respondent will remit to the Commissioner \$100.00, on a check made out to: “Commissioner of Political Practices” and mailed to the Office of the Commissioner of Political Practices, P.O. Box 202401, Helena, Montana, 59620.

7. In consideration of payment of the civil fine referenced above and execution of this settlement agreement by the Respondent, the Commissioner agrees not to pursue any further administrative or court proceedings based on the matters discussed in the Decision against the Respondent or other persons that may be named or unnamed in the Decision.
8. The Respondent enters into this agreement to avoid litigation and to resolve and settle this dispute with the Commissioner. It is understood and agreed that the payment of the civil fine referenced above and execution of this settlement agreement by the Respondent is accepted as the sole consideration for full satisfaction and compromise of what may be disputed claims based on the matters discussed in the Decision.
9. The Commissioner and the Respondent 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.
10. The Commissioner and the Respondent 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 2 pages, sets forth the entire agreement that has been reached between the Commissioner and the Respondent. No modification or amendment of this agreement will be effective unless both parties complete a subsequent written statement that is signed by both parties.



Jonathan R. Motl
Commissioner of Political Practices

7/08/16
Dated



Mark A. Sweeney

7/5/2016
Dated

Payment was mailed earlier.

MS