

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

<p>Landsgaard v. 2012 Legislative Candidates: Tutvedt, Ripley, Brenden, Arntzen, Clark, Hagan, Fitzpatrick, Hoven, Cook, Hollandsworth, Ankney, Berry, Kary, Howard, Washburn, Shaw, Welborn, and Connell.</p> <p>No. COPP 2014-CFP-006</p>	<p style="text-align: center;">DISMISSAL OF COMPLAINT AS FRIVOLOUS</p>
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On February 25, 2014, Bozeman resident Paul Landsgaard filed 18 complaints with the Commissioner of Political Practices (COPP) against 18 2012 candidates for the Montana legislature. Those candidates and the districts they sought to represent are as follows: Bruce Tutvedt (SD #3), Rick Ripley (SD #9), John Brenden (SD #18), Elsie Arntzen (SD #27), Christy Clark (HD #17), Roger Hagan (HD #19), Steve Fitzpatrick (HD #20), Brian Hoven (HD #24), Robin Cook (HD #27), Roy Hollandsworth (HD #28), Duane Ankney (HD #43), Tom Berry (HD #45), Douglas Kary (HD #48), David Howard (HD #60), Earl Ted Washburn (HD #69), Ray Shaw (HD #71), Jeffrey Welborn (HD #72), and Patrick Connell (HD #87). The Complaint alleges that each of the 18 candidates violated Montana campaign practice law by accepting four \$160

contributions, one each from four members of the Wilks family. The Wilks family lives in Cisco, Texas.

FINDING OF FACT

The foundational fact necessary for this Decision is that Dan Wilks, Staci Wilks, Farris Wilks, and Joann Wilks each made a \$160 contribution to the general election campaigns of a number of candidates seeking election as legislators to the 2012 session of the Montana legislature. (Stated fact in each complaint filed against each of the 18 candidates).

I. Applying Indicia of Frivolous Complaint to this Matter

The sole fact (see Finding of Fact, this Decision) necessary to determine the complaint in this matter was set out in the complaint itself. There was no necessity of further investigation in order to make a Decision resolving this matter in its entirety. The entirety of this complaint may therefore be dismissed as a complaint “frivolous on its face.” 44.10.307(3)(a) ARM.

The amount of the contribution (\$160) attributed to each Wilks individual is the amount allowed by law.¹ The allegation in the complaint that the Wilks family is a “billionaire” Texas family is of no consequence. Protecting a clear and simple contribution limit for the Wilks individuals protects the same limit for a Montana individual. Each of the 4 individual contributions at issue in this Matter is allowed by law. The interpretations that Landsgaard seeks so as to group these four contributions into a single political committee limit is

¹ See §13-37-216 MCA (2010 code) with amounts adjusted for inflation by 44.10.338 ARM.

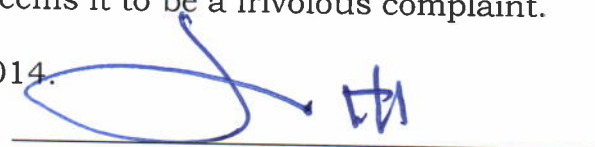
without credible support in policy or law.² The right to an individual contribution limit under Montana law needs to be protected, not reduced or made complicated by the sort of interpretations demanded by the complaint in this Matter. This complaint is a frivolous complaint under Indicia No. 1 and No. 2., *Landsgaard v. Peterson*, COPP-2014-CFP-008.

OVERALL DECISION

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. In most cases the Commissioner must follow a process requiring that the Commissioner (“shall investigate,” *See*, § 13-37-111(2)(a) MCA) investigate any alleged violation of campaign practices law. However, “no investigation shall be required if a complaint is frivolous on its face....” 44.10.307(3)(3)(a) ARM. Here no investigation is required at all as the entire complaint is frivolous on its face.

This Commissioner having duly considered the matters raised in the Complaint, determines the same to be frivolous. The Commissioner hereby dismisses this complaint in full and deems it to be a frivolous complaint.

DATED this 12th day of March, 2014.



Jonathan R. Motl
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² Likewise as to the complaint that “bundling” (something that is not defined or limited under Montana campaign practice law) somehow defeats an individual’s right to make an individual contribution.