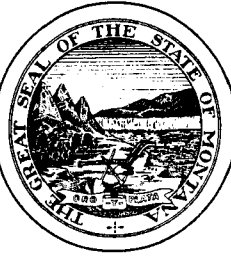


COMMISSIONER OF
POLITICAL PRACTICES

 COPY



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

June 5, 2008

Charles Lapp
3230 Columbia Falls Stage Road
Columbia Falls, MT 59912

Subject: Complaint received June 3, 2008; Gary Hall

I've carefully reviewed the complaint you recently filed against Gary Hall. It appears you are alleging that Mr. Hall is not qualified to run for election as a Flathead County Commissioner because he has not resided in the district for at least two years preceding the general election. Attached to your complaint is a copy of § 7-4-2104, MCA.

I have no jurisdiction to investigate an alleged violation of the residency requirements of § 7-4-2104, MCA. You may wish to contact your local election administrator or the office of the Secretary of State.

To be valid, a formal complaint to my office must describe in detail an alleged violation, and cite the specific statute or rule within my jurisdiction that is alleged to have been violated. (44.10.307(2), ARM.) In the area of campaign finance and practices, my jurisdiction is confined to the provisions of Title 13, chapters 35 and 37, Montana Code Annotated. (See § 13-37-111, MCA.) I am dismissing the complaint based on ARM 44.10.307(3)(a), which provides:

. . . [N]o investigation shall be required if the complaint does not contain sufficient allegations to enable the commissioner to determine that it states a potential violation of a statute or rule within the commissioner's jurisdiction.

I'm sorry I'm not able to be more helpful.

Dennis Unsworth
Commissioner of Political Practices

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

FOR OFFICE USE ONLY

RECEIVED
COMMISSIONER OF
POLITICAL PRACTICES

2008 JUN -3 A 9:37

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME Charles Lapp
COMPLETE MAILING ADDRESS 3230 Col. Falls Stage Road
Columbia Falls, MT 59912
TELEPHONE NUMBERS: WORK 406-885-2002 HOME 406-892-5757

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME Gary Hall (Incumbent commissioner)
COMPLETE MAILING ADDRESS 800 South Main
Kalispell MT 59901
TELEPHONE NUMBERS: WORK 758-5501 HOME (Cell) 253-3026

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF Flathead

I, Shelby Nash-Hunter, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

[Signature]
Signature of Complainant

Subscribed and sworn to before me this 2nd day of
June, 2008.

[Signature]
Notary Public

My Commission Expires: 2/27/11

**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

STATEMENT OF FACTS:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

Gary Hall moved to Kalispell to 62 Rising Sun Circle and put his house up for sale. It subsequently sold on Oct. 31st 2007, see attached deed.

Gary has been registered to vote with his residence listed as 969 Vans Ave., Columbia Falls. 969 Vans Ave. was a vacant lot at the time he put it down as his residence, and in fact he did not receive a building permit for this lot until Feb. 28th of this year. When asked about this he said he intended to live there so it was OK. I do not feel that he has acted properly in this regard. I own property in several jurisdictions and it has always been my understanding that your place of residence is where you currently live, not where you want to vote. If this weren't the case I could change where I vote to be involved in council races or school elections.

I also feel the statute is clear when it says that a county commissioner must reside in the district for 2 years before the election.

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR
VERIFICATION SIGNATURE**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED IN PERSON OR BY CERTIFIED MAIL



200700033385 Fees: \$21.00 by: JL
 WARRANTY DEED by CTE
 Date 10/31/2007 Time 4:22 PM Page: 1 of 3
 Paula Robinson, Flathead County Montana

AND WHEN RECORDED MAIL TO:
 Jennie N. Payne and Charles D. Payne
 PO Box 473
 Whitefish, MT 59937

Filed for Record at Request of:
 Citizen's Title and Escrow Company

Space Above This Line for Recorder's Use Only

Order No.: 230359-CF
 Parcel No.: 0208550

**WARRANTY DEED
 (Joint Tenancy)**

FOR VALUE RECEIVED,

Gary D. Hall and Jayne L. Hall, as joint tenants

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Jennie N. Payne and Charles D. Payne

whose address is: **PO Box 473, Whitefish, MT 59937**

hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in Flathead County, Montana, to-wit:

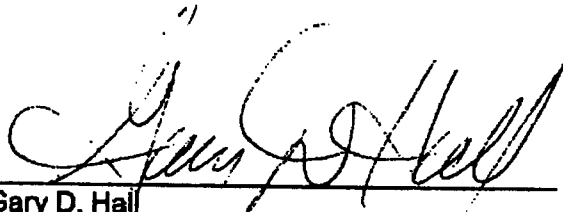
Legal Description attached hereto as Exhibit A.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

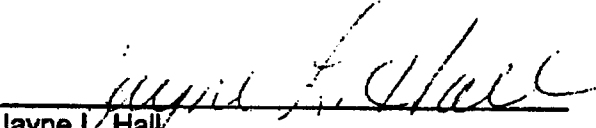
TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he/she or they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.

Dated: 10/31/2007

APPROVED W/d 3/10/07
 0208550



Gary D. Hall




Jayne L. Hall

STATE OF Montana)
) SS.
COUNTY OF Flathead)

This Instrument was acknowledged before me on 30 day of October, 2007, by **Gary D. Hall and Jayne L. Hall.**



NORMA REYNOLDS
NOTARY PUBLIC-MONTANA
Residing at Kalispell, Montana
My Comm. Expires May 8, 2008



Notary Public for the State of Montana
Residing in:
My Commission Expires:



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Page: 2

EXHIBIT A

A TRACT OF LAND, SITUATED, LYING, AND BEING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 10, BLOCK 3 OF LENONVILLE ADDITION AND A PORTION OF LOT 12, BLOCK 3 OF LENONVILLE ADDITION SHOWN AS TRACT 2, CERTIFICATE OF SURVEY NO. 1763 (ALL RECORDS OF FLATHEAD COUNTY, MONTANA), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1 OF CERTIFICATE OF SURVEY NO. 15700.



Document Number: 200700033385

Page: 3

261-55 (cell)

CITY OF COLUMBIA FALLS, MONTANA
APPLICATION FOR PERMIT FOR THE ERECTION AND ALTERATION OF BUILDINGS
Phone: (406) 892-4391 FAX: (406) 892-4413

Permit # 0869

Application is hereby made to the Building Inspector of Columbia Falls for construction of:

S.I.F.R.

Subject to all ordinances including those covering the zoning and the erection of buildings in the City of Columbia Falls and its extraterritorial zone.

STREET NUMBER: 969 LOT #5 BLOCK SUBDIVISION (Bennett's) Bennett's Addition

LEGAL DESCRIPTION 969 (Van's) Vans Ave ZONE CR-4

SET BACK REQUIREMENTS: FRONT 20' REAR 20' SIDE 5'

Table with 2 columns: BUILDING SIZE SQ. FOOT, FINISHED SQ. FOOT. Rows include UNFINISHED SQ. FOOT, GARAGE SQ. FOOT, CARPORT SQ. FOOT, COVERED PORCHES SQ. FOOT, LOT SIZE SQ. FOOT, % OF LOT COVERAGE, DECKS SQ. FOOT, PROJECT VALUATION.

BUILDER'S NAME J.F. Construction ADDRESS 690 N. Meridian suite 103

BUILDER'S PHONE 406 752-2881 CITY BUSINESS LICENSE #

OWNER'S NAME Gary Hall ADDRESS

OWNER'S PHONE 406 253 3026

Type of Building SFR Occupancy Group Purpose of building

BUILDING PERMIT FEE \$ 1825-

PLAN REVIEW FEE \$ 799-

FIRE PREVENTION PROGRAM FEE \$ 4510-

TOTAL FEE \$ 3080

\$200 Permit Fee Paid

Zoning Administrator Approval

Set Backs

Lot Coverage

Height

The granting of a permit or approval of plans, specifications and computations shall not be construed as approval for, or an approval of, any violation of any of the provisions of the Uniform Building, Mechanical, or Plumbing Codes; the National Electrical Code; the City of Columbia Falls. The Applicant and Owner have responsibility for compliance with all applicable laws, regulations, codes and ordinances.

Separate permits are required for electrical, plumbing, and mechanical (heating, ventilating or air conditioning). This permit is void if work or construction is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced.

APPLICANTS SIGNATURE

BUILDING INSPECTORS SIGNATURE

PAID FEB 28 2008 CITY OF COLUMBIA FALLS



[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

7-4-2104. Commissioners to be elected by district. (1) At each general election, the member or members of the board of county commissioners to be elected must be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of the member or members of the board must be submitted to the entire electorate of the county.

(2) A person may not be elected as a member of a board of county commissioners unless the person has resided in the county and the district for at least 2 years preceding the general election.

History: En. 16-902.3 by Sec. 3, Ch. 298, L. 1974; R.C.M. 1947, 16-902.3; amd. Sec. 1, Ch. 224, L. 1987; amd. Sec. 1, Ch. 183, L. 2001.

Provided by Montana Legislative Services