

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

October 29, 2008

Reece Ophus
Box 217
Big Sandy MT 59520

Subject: Complaint received October 21, 2008; Daren Schuster

Mr. Ophus, I've reviewed the complaint you filed against Daren Schuster, a candidate for County Commissioner. You state that Schuster has not properly reported some of his campaign related expenses and that Schuster's report does not show payment for advertising in the Big Sandy Mountaineer. You state that the report does not "show any paper trail for [Schuster's] handouts." No statutes are cited and no evidence was provided with the complaint.

To be valid, a complaint must describe in detail an alleged violation, and cite the specific statute or rule within my jurisdiction that is alleged to have been violated. A complaint must be filed in person, or by certified mail. (44.10.307(1) and 44.10.307(2), ARM)

For the reasons discussed above, 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.

Daren Schuster's October campaign finance report covering the period from June 19 to October 21 does show an expenditure of \$731.90 to Mountaineer Printing for primary ads and handout printing. This appears to cover the expenditures you're concerned about. If you still have concerns, you do have the opportunity to file another complaint. However, as noted above I'm not able to accept jurisdiction over a complaint that fails to meet the sufficiency requirements of 44.10.307, ARM. I'm sorry I can't 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



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RECEIVED
COMMISSIONER OF
POLITICAL PRACTICES

2008 OCT 21 P 4:14

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 Reece Ophus
COMPLETE MAILING ADDRESS Box 217
Big Sandy Mt. 59520
TELEPHONE NUMBERS: WORK 945-1110 HOME 378-2500

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

COMPLETE NAME Daren Schuster
COMPLETE MAILING ADDRESS 965 4
Big Sandy Mt. 59520
TELEPHONE NUMBERS: WORK None HOME 378-2277

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

~~VERIFICATION BY STATE OF MONTANA~~

STATE OF MONTANA, COUNTY OF Chouteau

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

Reece Ophus
Signature of Complainant

Subscribed and sworn to before me this 21 day of
October, 2008.

Demra Brown Demra Brown
Notary Public

My Commission Expires: 02-01-2010

September 11, 2008

Dear Mr. Schuster,

If you have been following the newspaper articles concerning political contributions, you would have found that several individuals running for office have violated the political practice laws including Governor Schweitzer. Governor Schweitzer was fined \$750.00 for running an in-service ad a day after he filed.

According to political practice laws, each political candidate must file in his or her report an advance, gift, loan, conveyance, deposit, payment or anything of value to influence an election. MCA 13-1-101 (6). This includes all payment-in-kind gifts.

Your report filed, and on public record does not show payment or payment-in-kind for your advertising in the Mountaineer. Nor does it show any paper trail for your "hand-outs". This constitutes fraud and can be reported to the Montana Political Practices. *MT, GOV*

This is not just a threat, but also a warning for your own good, that you need to correct your Candidate Campaign Finance Form before September 30, 2008.

10-10-08 Mr. Schuster did not send any correction.

444-2942

**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.

Schusters report filed and on public record does not show payment or payment-in-kind for advertising in the Big Sandy Mountaineer. Nor does it show any paper trail for his hand outs. This constitutes fraud!

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