

COMMISSIONER OF  
POLITICAL PRACTICES



STATE OF MONTANA

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March 16, 2012

Moreen Swingley  
1219 Hollins Ave.  
Helena, MT 59601

Subject: Complaint received December 14, 2011

Dear Ms. Swingley:

You filed a complaint against Leo Dutton, the Sheriff of Lewis and Clark County who was a candidate for election to the office in 2010. The complaint notes that your husband, Scott Swingley, was the unsuccessful candidate for Sheriff in that election.

Your complaint refers to an anonymous letter you received which alleges that Sheriff Dutton received a \$10,000 donation from a local resident prior to the election. You contend that according to the anonymous letter, in return for the alleged donation the donor's son was hired as a Deputy Sheriff. The complaint states that if the allegation regarding the \$10,000 donation is true, it would violate the contribution limit in § 13-37-216. That statute establishes a contribution limit of \$160 per election for a candidate for County Sheriff. You request "a complete and thorough investigation into these allegations," referring to the allegations in the anonymous letter you received.

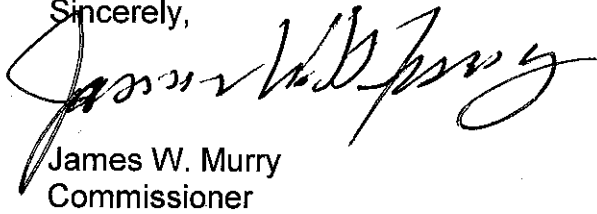
Anonymous complaints raise practical problems as well as issues of fairness. You have provided no evidence or information that supports the charges set forth in the anonymous letter. Obviously it is not possible to contact the author of the letter to obtain potential evidence or additional information related to the allegations, or to question witnesses and assess their credibility. Moreover, anonymous complaints filed in connection with elections and candidates raise the issue of possible improper political motives. And finally, fundamental fairness dictates that an accused person is entitled to know the detailed basis for allegations made against him or her, as well as the identity of the person who makes the allegations. In short, it can be difficult if not impossible to conduct an effective investigation into an anonymous complaint.

Ms. Maureen Swingley  
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Although the complaint is based entirely on anonymous and unsupported claims, Sheriff Dutton and the alleged contributor provided information that leads me to conclude there is no evidence to support any of the allegations in the anonymous letter. This office does not have jurisdiction over alleged personnel issues within the Sheriff's Office.

For the reasons outlined above, I am dismissing your complaint pursuant to ARM 44.10.307(3)(a), which provides that no investigation is required if a complaint is too indefinite or does not contain sufficient allegations to enable my staff and I to make a determination that it states a potential violation of a statute or rule within my jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Murry". The signature is written in a cursive style with a large, sweeping initial "J".

James W. Murry  
Commissioner

c: Leo Dutton