

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Tschida v. Bullock and O’Leary	No. COPP 2016-ETH-005 Ethics Complaint Not Accepted For Filing But Rejected As Frivolous and Failing to State a Potential Violation Of Ethics Law
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Brad Tschida, a Montana legislator (House District 97) and resident of Missoula, Montana, lodged an ethics claim with the COPP posed as a complaint against Steve Bullock (a Montana public officer) and Meg O’Leary (a Montana public employee). The Tschida complaint is not accepted for filing and is hereby rejected and returned to Mr. Tschida. The reasons for the rejection are that the parts (or Counts) of the complaint: 1) do not state a potential violation of ethics law; 2) lack sufficient allegations; and/or 3) are frivolous. Any of these reasons are grounds for dismissal of an ethics complaint. (§ 2-2-136(1)(b), MCA).

Procedural History

An original ethics complaint was lodged by Mr. Tschida with the COPP on September 19, 2016. The original complaint was accompanied by a request

for recusal of Commissioner Motl. On September 19, 2016 the request for recusal was denied by the Commissioner through a letter mailed to complainant and his attorney.¹ On September 19, 2016 the Commissioner asked each party to provide certain additional information, as allowed by § 2-2-136(1)(a), MCA.²

An amended complaint (hereinafter Complaint) was lodged on September 21, 2016.³ The Commissioner accepted the Complaint on September 21, 2016, notifying the parties that he did so.⁴ On September 23, 2016 the Commissioner granted a request by the Governor's legal counsel to extend the Complaint response time to the date of September 28, 2016.⁵ The Commissioner received information responses from each party on or about September 28, 2016.⁶

The Commissioner used the information in the Complaint and as additionally supplied by the parties to reach the Dismissal made in this Matter. In making this Dismissal the Commissioner notes that Complainant appears to misapprehend the nature of an ethics proceeding before the Commissioner. An ethics complainant has the initial responsibility to file a complaint that states factual allegations that could state a potential violation of the code of ethics. If

¹ A copy of the recusal denial letter accompanies this Dismissal.

² Copies of the September 19 letters to the parties accompany this Dismissal. The amended complaint (Complaint) dropped the allegation of a trip to Puerto Rico, thereby eliminating the need to provide such information.

³ "Complaint" in this Decision refers to the amended complaint. A copy of the Complaint accompanies this Dismissal.

⁴ A copy of the September 21, 2016 letter to Mr. Tschida accompanies this Dismissal.

⁵ A copy of the September 23, 2016 letter to Andy Huff accompanies this Dismissal.

⁶ A Copy of the Bullock/O'Leary Response accompanies this Dismissal.

a complainant states such allegations (and the complaint is therefore accepted for filing), each party then has the responsibility to develop the factual record before the Commissioner through the informal contested case proceedings in Title 2, chapter 4, part 6, Mont. Code Ann. (§ 2-2-136(1)(c), MCA.)

The Commissioner has a limited opportunity to seek information outside of the allegations of the lodged ethics complaint: “[t]he commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.” § 2-2-136(1)(a), MCA.⁷ The Commissioner exercised that authority and requested additional information from the parties in this Matter.

Discussion

The Complaint states three claims as Counts 1 through 3. The following discussion explains the basis for the dismissal of each Count.

1. Counts 1 and 2 Are Barred By A Statute of Limitations.

Counts 1 and 2 allege an ethics violation involving Governor Bullock (a state officer) and Ms. O’Leary (a state employee) based on events, including a Paul McCartney concert, taking place in Missoula on August 5, 2014. Under Montana law a complaint may be filed with the COPP against either a state officer or state employee but “the complaint must ... be filed within two years of

⁷ The Commissioner’s ethics complaint investigative authority is limited in time in that it can be exercised only before a Decision to accept or reject an ethics complaint. It is also limited in scope to a request for information from the parties. This is sharp contrast to the broad investigative powers, including subpoena power, provided the Commissioner under Title 13, Chapter 37 of the Montana Code in regard to campaign finance complaints.

the date of the alleged violation of the code. A complaint [if accepted] is considered filed on the date it is received by the commissioner.”

44.10.604(1)(b), ARM.

This Complaint, if accepted for filing, would have a filing date of September 19, 2016. That September 19, 2016 date is unquestionably outside of the “within two years” period, beginning August 5, 2014. Stated another way, the allegations of the Complaint based on events that took place on August 5, 2014 are untimely. All allegations of Counts 1 and 2 are dismissed as time barred.

2. Counts 1, 2 and 3 Fail To Allege Claims

Counts 1, 2 and 3 (setting aside the statute of limitations) each allege that a “gift” occurred. Montana public officers and employees may not accept a gift “that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties”.⁸ § 2-2-104(1)(b)(i) and (ii), MCA.

The Commissioner notes that a past Commissioner has determined that there is a “low” threshold in determining whether or not a complaint states a “potential [ethics] violation” under § 2-2-136(1)(b), MCA.⁹ A lodged ethics complaint may be dismissed for filing if the “charges [are] so insufficiently supported by allegation as to not state even a ‘potential’ violation.” *Id.* As explained below, that “insufficiently supported” standard is met resulting in the

⁸ The Complaint does not allege a breach of acceptance of a gift “that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.” § 2-2-104(1)(b)(ii), MCA. The Commissioner notes that there are no facts alleged to support such a breach.

⁹ *Democratic Party v. Martz*, September 2, 2002 (Commissioner Vaughey).

Dismissal of the Complaint.

Each Count is based on a single factual allegation. Those factual allegations are that O’Leary received (or Bullock provided): a plane ride (Count 1); a concert ticket (Count 2); and DGA plane fare (Count 3). The Complaint then makes a blanket legal allegation that the receipt of the plane ride, concert ticket or plane fare caused O’Leary to “depart from the faithful and impartial discharge of her duties.” There is, however, no allegation of fact as to how or why each or any of the plane ride, concert ticket or plane fare caused “a departure from the faithful and impartial discharge” of the public duties of either Bullock or O’Leary.

The joint Response to the Complaint by Bullock and O’Leary accentuates this allegation failure. The Response states that on August 5, 2014 Mr. Bullock, in his capacity as Governor of Montana, and Ms. O’Leary, in her capacity as Director of the Department of Commerce, flew in a state plane from Helena to Missoula and back, attending the McCartney concert as part of a trip that involved several public and private meetings and events determined by the Governor to involve state interests. The Response further claims an “official capacity” status for attendance by the Governor and staffer at all events challenged by the Complaint, including the McCartney concert.¹⁰ The Response similarly asserts that Ms. O’Leary’s served as staff to the Governor at the DGA meeting challenged by the Complaint, consistent with the role played

¹⁰ In effect, the Response asserts that the August 5 use of the plane was official business of the State of Montana, taking the use of the plane out of any consideration as a gift. See §2-2-102(3)(b)(ii), MCA.

by other senior staff to the Governor at prior DGA meetings.¹¹

There is nothing in the Complaint that alleges something different than the facts set out in the Response. If anything, the Complaint is consistent with the Response because it admits that Mr. Bullock is Governor (¶3) and Ms. O'Leary is Director of the Department of Commerce (¶4). Simply put, there is no factual allegation in the Complaint inconsistent with the staff-to-the-governor relationship inherent in the travel activity and specifically asserted in the Response. Accordingly, the Complaint is dismissed because its counts are so insufficiently supported by factual allegation as to not state even a potential violation of Montana ethics law.

3. The Complaint is Also Dismissed as Frivolous

Section 2-2-136(1)(b), MCA also provides that a frivolous complaint may be dismissed. A complaint is frivolous if it: "is clearly insufficient on its face ... and is presumably interposed for mere purposes of delay or to embarrass the opponent." Black's Law Dictionary, Revised 4th Edition. The three Counts of the Complaint were clearly legally insufficient, as measured by the information ("face") of the Complaint, for the reasons set out in this Dismissal, above.

The Commissioner now turns to the embarrassment element of a frivolous determination.¹² The Commissioner first notes that the issues addressed by

¹¹ Montana law allows attendance by state officials and employees at events such as the DGA meeting as this attendance serves the state in several non-gift ways, including information gathering and education. See § 2-2-102(3)(b)(v), MCA.

¹² An embarrassment purpose, by itself, is not sufficient to make a Complaint frivolous. The Complaint must first be determined to be legally insufficient, a determination that has been made in this Matter.

the Complaint were at least a year in the past. This meant the Complaint could have been lodged with the COPP much earlier than the last two months of the 2016 campaign for election of Montana's governor. This unnecessarily late filing of the complaint is a factor indicating an attempt to embarrass the target of the Complaint.

Second, the Commissioner notes that the original complaint in this Matter (lodged September 19, 2016) set out specific allegations of improper conduct, including a claim that Ms. O'Leary was improperly provided a trip to Puerto Rico. The Commissioner asked for further information as to this allegation and, in response, the complainant did not provide information but instead filed an amended complaint (Complaint), withdrawing all allegations of the Puerto Rico trip. The lodging of such an original complaint containing presumably false allegations is again a factor indicating an attempt to embarrass the target of the Complaint.

Third, the Commissioner notes that the Complainant distributed copies of the Complaint, despite a state statute providing confidentiality to the Complaint during the time it was released.¹³ The unilateral action by Complainant in release of the Complaint during a period of confidentiality is again a factor indicating an attempt to embarrass the target of the Complaint.

In summary, the Commissioner determines that the unnecessarily late

¹³ The Complainant had a number of options for dealing with the subject matter of the Complaint or the fact that the Complaint had been lodged that did not require the release of the Complaint during the time the Complaint was deemed confidential under Montana law.

filing of the complaint, use of presumably false allegations in the original complaint and release of the complaint during a period confidentiality set by statute demonstrates the intent to embarrass the target of the Complaint. The Commissioner determines that the Complaint was frivolous.

This Dismissal Lifts Confidentiality

Ethics complaints made against a “state officer, legislator or state employee” are lodged with the commissioner of political practices, § 2-2-136(1)(a), MCA. Any such an ethics complaint is deemed confidential when lodged with the COPP, § 2-2-136(4), MCA.¹⁴

This Matter presented as an unusual ethics complaint because it was lodged against a candidate for elected office during the time of an election campaign.¹⁵ In contrast, most lodged ethics complaints have concerned the non-election conduct of local officials, conduct that falls outside of the jurisdiction of the Commissioner. Consequently, nearly all ethics complaints, as was the case in this Matter, are “rejected” (not accepted for filing) on the basis that the Commissioner lacks jurisdiction to decide the Complaint.¹⁶

¹⁴ These complaints are first listed on the COPP homepage website by initials and complaint number. The complaint at issue in this Matter was listed as “T v. B, COPP-2016-ETH-005 – Lodged, as of yet neither accepted or rejected (9/21/2016).” Upon release of this Dismissal the Complaint will be relisted in the name of the parties.

¹⁵ A review of past ethics complaints shows no comparable election focused complaint filed during 2013-2016. This makes sense as these complaints are filed as campaign practice complaints, given Montana’s open and accessible campaign practice complaint system, in which 197 Decisions resolving 219 complaints were issued during 2013 through 2016.

¹⁶ Given the narrow jurisdictional and substantive focus of ethics law, nearly all lodged ethics complaints are rejected for filing: 2014 (eight lodged, one accepted for filing); 2015 (eight lodged, 0 accepted); 2016 (five lodged, 0 accepted). Campaign practice complaints, in contrast are almost always accepted for filing. In 2014, for example, 95 campaign practice complaints were lodged with 81 of those accepted for filing.

By this Decision the Commissioner addresses application of the confidentiality provisions of § 2-2-136(4), MCA stating that confidentiality applies “until the commissioner issues a decision.” (*Id.*)¹⁷ The decision in this Matter, as it is in most ethics matters, was to the dismiss the complaint. The Commissioner determines that a dismissal is a “decision” lifting the confidentiality provided the Complaint by § 2-2-136(4), MCA.

The alternative decision at this point in time would have been to accept the ethics complaint for filing thereby triggering the informal hearing process.¹⁸ Had such an acceptance decision been made the Commissioner determines that a reading of the entirety of § 2-2-136(4), MCA would likewise lead to lifting of confidentiality at the point of the acceptance decision.¹⁹ The Commissioner notes that, while the Complaint would immediately become available for public inspection, the records and documents produced during the ethics process would be subject to a pre-production privacy review as defined by COPP Office Management Policy No. 2.2.²⁰

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¹⁷ The time reach of this confidentiality provision has not previously been addressed by a Commissioner.

¹⁸ In practice, a dismissal or an acceptance of a complaint is made at a single point in time.

¹⁹ The first sentence of §2-2-136(4), MCA states that confidentiality does not apply to “records that are open for public inspection pursuant to Montana law.” This sentence requires application of Article II, §9 of the Montana Constitution, meaning that the ethics confidentiality time period is the shortest period necessary to respect confidentiality imposed by the Montana legislature while still providing public access to documents and hearings.

²⁰ Given the public interest in this Matter the Commissioner releases this Decision to the press and public at the same time as it is released to the parties.

DATED this 21st day of November, 2016.



Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1205 8th Avenue
Helena, MT 59620

COMMISSIONER OF
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STATE OF MONTANA

JONATHAN R. MOTL
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September 19, 2016

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Bozeman, MT. 59718
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Brad Tschida
10825 Mullan Rd
Missoula, MT 59808
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RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)

Received September 19, 2016
Tschida v. Bullock & O'Leary (T. v. B. on COPP website)
Complaint is lodged status, Not yet Accepted as Filed

Dear Messrs. Monforton and Tschida:

I hereby respond to and reject the request for recusal set out with regard to the above identified complaint. The Complaint asserts a basis for recusal based on my appointment as Commissioner by Governor Bullock. The Complaint asserts that this appointment creates a conflict of interest.

The recusal of a Commissioner is a discretionary decision made by the Commissioner: "[i]f the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused" §13-37-111(3), MCA. As Commissioner I determine that recusal in this Matter is not required or necessary. This recusal determination is a matter of discretion that may lawfully be exercised by the Commissioner. See *Powell v. Motl*, OP-14-0711, Order of the Montana Supreme Court (Nov. 6, 2014).

As Commissioner I have consistently stated my strong preference for use of in-house COPP staff to resolve complaints filed with the COPP (*Greenwood v. Morrison*, No. COPP 2014-CFP-054), citing to financial and efficiency reasons for so acting. This Matter adds another reason for rejecting this particular request for recusal, that of consistency. Mr.

Bullock is a 2016 candidate for election as Governor of the State of Montana. As Commissioner I have already issued two Decisions dismissing complaints against Mr. Bullock's 2016 election opponent, Mr. Greg Gianforte: *LaBreche v. Gianforte*, COPP-2015-CFP-010 and *Thomas v. Gianforte*, COPP-2016-CFP-001. It would make no sense for me, having already engaged the governor's race in the 2016 election cycle, to reverse course and declare my inability to be impartial to point where I need to recuse. My non-recusal determination has already been made and it is inherent in the two *Gianforte* Decisions posted on the COPP website.

Finally, I agree that my position as Commissioner initiated as an appointment under the Executive authority granted at Mont. Const., VI, §8. That appointment authority, however, was subject to Senate confirmation. (*Id.*) Accordingly, I remain as Commissioner solely because I was confirmed by a vote of the Montana Senate during the 2015 legislative session. Further, I do not serve at the pleasure of the Governor or any other public Official as I may be removed from Office only for "incompetence, malfeasance or neglect of duty." §13-37-102(3), MCA. With this in mind, there is nothing in law or in the appointment process itself that defines a relationship with the Governor leading to a decision-making conflict. This leaves only discretion and I exercise discretion as set out above. In the end, the Commissioner has a job to do and should not delegate away the authority and responsibility of the job unless it is absolutely necessary to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Motl', written over a large, stylized, teardrop-shaped scribble.

Jonathan R Motl
Commissioner of Political Practices

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September 19, 2016

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RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)

Tschida v. Bullock & O'Leary (T. v. B. on COPP website)
Complaint is in lodged status; Not yet accepted as filed.

Dear Messrs. Monforton and Tschida:

We received the above listed ethics complaint today, September 19, 2016. The complaint is provisionally lodged (at this point, as a request for further information) and assigned the above number.

Ethics complaints, if accepted for hearing by the Commissioner, are governed by a separate statutory scheme set out at §2-2-136 MCA and incorporating by reference an informal contested case hearing process as set out in Title 2, Chapter 4, Part 6 of the Montana Code. While Part 6 provides several methods of resolving disputes, the enabling statute for ethics complaints (§2-2-136(1)(c), MCA) specifies that the "commissioner shall hold an informal contested case hearing on the complaint." This, in turn, triggers those statutes in Part 6 governing the process and conduct of a contested case hearing. As respondent, you will be a "party" in these proceedings and, accordingly, you should review the statutes.

Before making a determination as to whether to accept the complaint and initiate the contested case process "[t]he Commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation." §2-2-136(1)(a) MCA. I hereby

exercise this section of law and request the following information, if the same is in possession or control, from the Complainant:

1. Any information supporting paragraphs 11, 22, 23, 24 and 25 of the complaint. The Complaint makes allegations of trip to Puerto Rico but includes no supporting documents or information of any sort. Please provide information in the form of evidentiary support of these allegations.

If you wish to provide supplemental information on any other point or allegation of your complaint please do so. I ask that you respond within one week of the date of this letter.

As an immediate matter I ask that you note that this Office, as well as the Complainant and Respondents, is required to keep the COPP action on an ethics proceeding confidential so long as the Matter remains within the agency, as directed by §2-2-136(4), MCA. That means this Complaint, as well as documents like this letter, will not appear on the Commissioner's website or be available for public inspection unless some later action opens the documents to the public.

Please note that a formal ethics hearing has not been noticed. Accordingly, either of you are free to call me with any questions or concerns about this ethics complaint process.

Sincerely,

A handwritten signature in black ink, appearing to be 'JRM', written over a large, hand-drawn oval shape.

Jonathan R Motl
Commissioner of Political Practices

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September 19, 2016

Steve Bullock
Governor, State of Montana
State Capitol Rm 204
Helena, MT 59620

Hand-Delivered

RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)

Tschida v. Bullock & O'Leary (T. v. B on COPP website)
Complaint is in lodged status; Not yet accepted as filed.

Dear Governor Bullock:

We received the above referenced ethics complaint today, September 19, 2016. The complaint is provisionally lodged (at this point as a request for further information) and assigned the above number.

Ethics complaints, if accepted for hearing by the Commissioner, are governed by a separate statutory scheme set out at §2-2-136, MCA and incorporating by reference an informal contested case hearing process as set out in Title 2, Chapter 4, Part 6 of the Montana Code. While Part 6 provides several methods of resolving disputes, the enabling statute for ethics complaints [§2-2-136(1)(c), MCA] specifies that the "commissioner shall hold an informal contested case hearing on the complaint." This, in turn, triggers those statutes in Part 6 governing the process and conduct of a contested case hearing. As respondent, you will be a "party" in these proceedings and, accordingly, you should review the statutes.

Before making a determination as to whether to accept the complaint and initiate the contested case process "[t]he Commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation." §2-2-136(1)(a), MCA. I hereby exercise this section of law and request the following information, if the same is in possession or control:

1. Any information concerning paragraphs 11, 22, 23, 24 and 25 of the complaint. The Complaint makes

allegations of trip to Puerto Rico. If the response is that there was no Puerto Rico trip, please also provide information as to reason(s) for DGA check (asserted to be in the amount of \$1,927) to Ms. O'Leary.


2. Please note that that the two year statute of limitation may apply to the allegations of paragraph 17 of the Complaint. 44.10.604(1)(b), ARM. Should you decide to respond to this paragraph, I would appreciate some detail on the event: including other events attended in Missoula, concert venue, circumstances of provision of the concert ticket, those in attendance with you at the concert site (assuming you were in a private room), the public purpose (if any) served by attendance at the concert and the purpose for any persons accompanying the Governor.

If you wish to provide supplemental information on any other point or allegation of the Complaint please do so. I ask that you respond within one week of the date of this letter.

As an immediate matter I ask that you note that this Office, as well as the Complainant and Respondents, is required to keep the COPP action on an ethics proceeding confidential so long as the Matter remains within the agency, as directed by §2-2-136(4), MCA. That means the Complaint, as well as documents like this letter, will not appear on the Commissioner's website or be available for public inspection unless some later action opens the documents to the public.

Please note that a formal ethics hearing has not been noticed. Accordingly, you or your agent are free to call me with any questions or concerns about this ethics complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan R Motl". The signature is written in a cursive style with a large, sweeping initial "J" that loops back under the rest of the name.

Jonathan R Motl
Commissioner of Political Practices

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September 19, 2016

Meg O'Leary
State Capitol Rm 204
Helena, MT 59620

Hand-Delivered

RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)
Tschida v. Bullock & O'Leary (T. v. B on COPP website)
Complaint is in lodged status; Not yet accepted as filed.

Dear Ms. O'Leary:

We received the above referenced ethics complaint today, September 19, 2016. The complaint is provisionally lodged (at this point as a request for further information) and assigned the above number.

Ethics complaints, if accepted for hearing by the Commissioner, are governed by a separate statutory scheme set out at §2-2-136, MCA and incorporating by reference an informal contested case hearing process as set out in Title 2, Chapter 4, Part 6 of the Montana Code. While Part 6 provides several methods of resolving disputes, the enabling statute for ethics complaints [§2-2-136(1)(c), MCA] specifies that the "commissioner shall hold an informal contested case hearing on the complaint." This, in turn, triggers those statutes in Part 6 governing the process and conduct of a contested case hearing. As respondent, you will be a "party" in these proceedings and, accordingly, you should review the statutes.

Before making a determination as to whether to accept the complaint and initiate the contested case process "[t]he Commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation." §2-2-136(1)(a), MCA. I hereby exercise this section of law and request the following information, if the same is in possession or control:

1. Any information concerning paragraphs 11, 22, 23, 24 and 25 of the complaint. The Complaint makes allegations of trip to Puerto Rico. If the response is that there was no Puerto Rico trip, please also provide

information as to reason(s) for DGA check (asserted to be in the amount of \$1,927) to Ms. O'Leary.

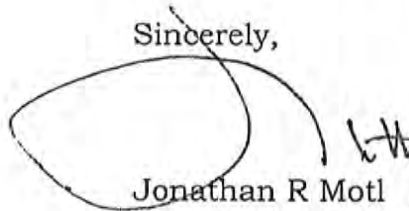
2. Please note that that the two year statute of limitation may apply to the allegations of paragraph 17 of the Complaint. 44.10.604(1)(b), ARM. Should you decide to respond to this paragraph, I would appreciate some detail on the event: including other events attended in Missoula, concert venue, circumstances of provision of the concert ticket, those in attendance with you at the concert site (assuming you were in a private room), the public purpose (if any) served by attendance at the concert and the purpose for any persons accompanying the Governor.

If you wish to provide supplemental information on any other point or allegation of the Complaint please do so. I ask that you respond within one week of the date of this letter.

As an immediate matter I ask that you note that this Office, as well as the Complainant and Respondents, is required to keep the COPP action on an ethics proceeding confidential so long as the Matter remains within the agency, as directed by §2-2-136(4), MCA. That means the Complaint, as well as documents like this letter will not appear on the Commissioner's website or be available for public inspection unless some later action opens the documents to the public.

Please note that a formal ethics hearing has not been noticed. Accordingly, you or your agent are free to call me with any questions or concerns about this ethics complaint process.

Sincerely,

A handwritten signature in black ink, appearing to be 'JRM', written over a large, loopy scribble.

Jonathan R Motl
Commissioner of Political Practices

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8 Attorney for Complainant Brad Tschida

9
10 **BEFORE THE COMMISSIONER OF POLITICAL PRACTICES**

11 BRAD TSCHIDA,)
12 Complainant,) Case No. COPP-2016-ETH-005
13 vs.) **AMENDED COMPLAINT**
14 STEVE BULLOCK and MEG O'LEARY,)
15 Respondents.)
16)

17 **I. JURISDICTION**

18 1. The Commissioner of Political Practices has jurisdiction over this matter
19 pursuant to Mont. Code Ann. §§ 2-2-104 & 2-2-136(1)(a).

20 **II. PARTIES**

21 2. Complainant Brad Tschida is a resident of Missoula County, Montana, and a
22 member of the Montana House of Representatives.

23 3. Respondent Steve Bullock is a resident of Lewis & Clark County, Montana,
24 and has been at all times pertinent to this matter the Governor of Montana.

25 4. Respondent Meg O'Leary is a resident of Lewis & Clark County, Montana,
26 and has been at all times pertinent to this matter the Director of the Montana
27 Department of Commerce.
28

1 **III. STATEMENT OF FACTS**

2 5. Sometime before August 5, 2014, Respondent Bullock received an invitation
3 from University of Montana President Royce Engstrom and Mary Engstrom for “you
4 and a guest to join them in the President’s Box to watch Sir Paul McCartney as he
5 performs his ‘Out There’ concert.”

6 6. President Engstrom was appointed by Montana’s Board of Regents of Higher
7 Education.

8 7. The Board’s members are, in turn, appointed by the Governor.

9 8. Private parties paid for the McCartney tickets received by Respondent
10 Bullock.

11 9. The fair market value of a ticket for the McCartney concert with seating in
12 the President’s Box far exceeds \$50.

13 10. On August 5, 2014, Respondent Bullock utilized an aircraft owned,
14 operated, and maintained by the State of Montana to attend the McCartney concert.

15 11. Respondent O’Leary joined Respondent Bullock on the flight.

16 12. Respondent Bullock gave Respondent O’Leary one of the McCartney
17 tickets.

18 13. Respondent O’Leary’s state-funded travel to Missoula was not necessitated
19 by official state business.

20 14. In December 2014, Respondent Bullock was elected chair of the
21 Democratic Governors Association (DGA) for 2015.

22 15. On or about March 31, 2015, Respondent Bullock caused the DGA to make
23 an expenditure on behalf of Respondent O’Leary in the amount of \$1,927.00.

24 16. These monies were used for travel and lodging expenses incurred by
25 Respondent O’Leary.

26 17. Respondent O’Leary’s travel was not necessitated by official state business.
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COUNT 1
ACCEPTANCE OF ILLEGAL GIFT
(Tickets to McCartney Concert)

18. All previous paragraphs are incorporated by reference.

19. Section 2-2-104(1)(b)(i) of the Montana Code Annotated prohibits public officers from accepting a gift of substantial value or a substantial economic benefit tantamount to a gift that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties.

20. Royce Engstrom and other, unidentified persons offered Respondent Bullock tickets for him and a guest to the McCartney concert with seating in the President's Box.

21. The fair market value of these tickets exceeded \$50.

22. Respondent Bullock accepted the tickets and provided one to Respondent O'Leary.

23. The tickets had substantial value and would tend to influence a reasonable person in the position of Respondent Bullock and Respondent O'Leary to depart from the faithful and impartial discharge of their public duties.

24. Respondents therefore violated § 2-2-104(1)(b)(i), MCA, when they accepted the McCartney tickets.

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COUNT 2
OFFER AND ACCEPTANCE OF ILLEGAL GIFT

(Flight to McCartney Concert on State-Owned Aircraft in August 2014)

25. All previous paragraphs are incorporated by reference.

26. Respondent Bullock gave to Respondent O'Leary a gift in August 2014 of a state-paid flight to Missoula to attend the McCartney concert with him.

27. The state-paid flight to Missoula had substantial value.

1 28. The state-paid flight to Missoula was a gift that would tend to improperly
2 influence a reasonable Commerce Director to depart from the faithful and impartial
3 discharge of her duties.

4 29. Respondent O'Leary therefore violated § 2-2-104(1)(b)(i), MCA, when she
5 accepted Respondent Bullock's gift of a state-paid flight to Missoula and Respondent
6 Bullock violated § 2-2-104(1)(b)(i), MCA, by offering it to her.

7

8

COUNT 3
OFFER AND ACCEPTANCE OF ILLEGAL GIFT
(Travel & Lodging Provided by the DGA in 2015)

9

10 30. All previous paragraphs are incorporated by reference.

11 31. Respondent Bullock caused the DGA to pay for travel and lodging expenses
12 incurred by Respondent O'Leary.

13 32. The DGA's payment of travel and lodging expenses incurred by
14 Respondent O'Leary had substantial value.

15 33. The payment constituted a gift that would tend to improperly influence a
16 reasonable Commerce Director to depart from the faithful and impartial discharge of
17 her duties.

18 34. Director O'Leary therefore violated § 2-2-104(1)(b)(i), MCA, when she
19 accepted the gift and Governor Bullock violated § 2-2-104(1)(b)(i), MCA, by causing
20 the DGA to offer it to her.

21

RELIEF REQUESTED

22

Complainant Brad Tschida hereby requests that a contested hearing be held in
23 accordance with § 2-2-136(1)(c), MCA, and that fines be imposed against Respondent
24 Bullock and Respondent O'Leary in accordance with § 2-2-136(2)(c), MCA.

25 DATED: September 20, 2016

26

27

28

Respectfully submitted,



Matthew G. Monforton
Attorney for Complainant

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

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

September 21, 2016

Matthew Monforton
Monforton Law Offices
32 Kelly Court
Bozeman, MT. 59718

Email: matthewmonforton@yahoo.com

Brad Tschida
10825 Mullan Rd
Missoula, MT 59808

Email: tschida4mthouse@outlook.com

RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)

Tschida v. Bullock & O'Leary (T. v. B. on COPP website)
Complaint is in lodged status; Not yet accepted as filed.

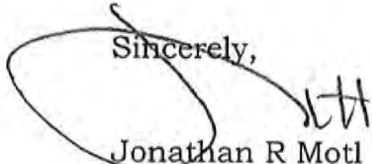
Dear Messrs. Monforton and Tschida:

We received the email attaching a copy of an amended ethics complaint (see above matter) today, September 21, 2016.

As you know, the complaint is only lodged (not filed) at this time so it is appropriate for you to change (amend) the document while it is in this pre-filing status. We will provide a copy of the amended complaint to each respondent.

As a further and immediate matter I ask that you continue to note that this Office, as well as the Complainant and Respondents, is required to keep the COPP action on an ethics proceeding confidential so long as the Matter remains within the agency, as directed by §2-2-136(4), MCA. That means the Complaint, as well as documents like this letter will not appear on the Commissioner's website or be available for public inspection unless some later action opens the documents to the public.

Sincerely,


Jonathan R Motl
Commissioner of Political Practices

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

JONATHAN R. MOTL
COMMISSIONER
TELEPHONE (406) 444-2942
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1205 EIGHTH AVENUE
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www.politicalpractices.mt.gov

September 23, 2016

Andy Huff
Legal Counsel to
Steve Bullock
Governor, State of Montana
State Capitol Rm 204
Helena, MT 59620

Hand-Delivered

RE: Ethics Complaint - COPP-2016-ETH-005 (Confidential)

Tschida v. Bullock & O'Leary (T. v. B on COPP website)
Complaint is in lodged status; Not yet accepted as filed.

Dear Mr. Huff:

I acknowledge your phone request of today asking that Respondents be allowed until 5:00 PM, Wednesday, September 28, 2016 to provide their written response to the above referenced amended ethics complaint. That request was orally granted and that grant is memorialized by this letter. The same extension of time to provide supplemental documents or information is hereby extended to the Complainant. The Complainant's notice of this extension is through this letter.

Please feel free to call (same courtesy extended to Complainant) if you have any questions or concerns about the matters addressed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan R. Motl", written over a large, loopy scribble.

Jonathan R Motl
Commissioner of Political Practices

C

Complainant through Matthew Monforton, attorney at law

ANDREW I. HUFF
Chief Legal Counsel
Governor's Office
State Capitol
P.O. Box 200801
Helena, MT 59620-0801
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ahuff@mt.gov

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2016 SEP 28 P 4: 56
COMMISSIONER OF
POLITICAL PRACTICES

MARTY TUTTLE
Chief Legal Counsel
Department of Commerce
301 South Park
Helena, MT 59620
Telephone: (406) 841-2700
Fax: (406) 841-2701
matuttle@mt.gov

COUNSEL FOR RESPONDENTS

STATE OF MONTANA
BEFORE THE COMMISSIONER OF POLITICAL PRACTICES

Brad Tschida,)	Case No. COPP-2016-ETH-005
)	
Complainant,)	
)	
v.)	RESPONDENTS' ANSWER AND
)	RESPONSE TO AMENDED
)	COMPLAINT; RESPONSE TO
)	MOTION FOR RECUSAL
Steve Bullock and Meg O'Leary,)	
)	
Respondents.)	

Respondents, Governor Steve Bullock and Department of Commerce Director Meg O'Leary, by and through counsel, submit the following Answer and Response regarding the filing of the amended complaint in this matter.

ANSWER TO THE AMENDED COMPLAINT

The Respondents answer the amended complaint as follows:

I. Jurisdiction

1. Paragraph 1 is a conclusion of law to which no response is required.

II. Parties

2. Admit.
3. Admit.
4. Admit.

III. Statement of Facts

5. Admit.
6. Admit.
7. Admit.
8. Admit. The Governor attended the event at the invitation of University of Montana President Royce Engstrom.
9. Respondents are without information sufficient to form a belief as to the allegation contained in paragraph 9, and therefore deny them.
10. Deny. Serving in their official capacities, the Governor and the Director used the state plane on August 5, 2014 to attend multiple functions in Missoula. The Governor and the Director attended a function at the Grant Creek Ranch and met with Mr. Dennis Washington, Mr. Washington's guests, and employees of his companies. The Governor and the Director also attended a function at the Prescott House on the University of Montana Campus, meeting with alumni and benefactors of the University and with Larry Simpkins who is the co-chair of the Governor's Main Street Montana Program. At the invitation of University President Royce Engstrom, the Governor attended the Paul McCartney concert where he was staffed by the Director. The concert was a major event for the University, with over 20,000 people from across Montana in attendance. The Governor spent time in the President's box

and in the stadium, and had the opportunity to interact with many Montanans on a variety of issues.

11. Admit. When the Governor travels on official business he is always accompanied by at least one member of his staff. Because the events on August 5, 2014, were to include discussions of economic development issues, he was staffed by his Commerce Director. The Department of Commerce is the state agency charged with the responsibility for job creation, job retention and job expansion. The Director also serves as one of the lead staffers assigned to the Governor's flagship economic development program, the Main Street Montana initiative.

12. Deny. The Governor attended the event at the invitation of University of Montana President Royce Engstrom. The invitation provided for the Governor to be accompanied by staff. Upon information and belief, tickets for the event were provided by the University of Montana Foundation.

13. Deny. See response to paragraph 10 above.

14. Admit.

15. Deny. The Democratic Governors Association reimbursed the Director for her purchase of plane tickets to attend a DGA event. The Democratic Governors Association and the Republican Governors Association exist to promote the policies of their respective governors and also to elect their preferred candidates to governorships throughout the country. Both organizations conduct meetings, events, and policy seminars. For instance the DGA website notes, "The DGA also provides expert advice in policy areas to Democratic governors and candidates, with several policy conferences a year on topics such as biotechnology and life sciences and the new energy economy." See <https://democraticgovernors.org/>.

The DGA and the RGA regularly reimburse the costs incurred by governors and staff for attendance at their events. See, e.g., IRS Form 8872 filed for both the RGA and DGA, indicating travel reimbursements for governors and staff, available at:

<http://forms.irs.gov/app/pod/basicSearch/search?execution=e3s1&max=10&offset=0>. As indicated by the IRS 8872 forms, the RGA has, for example, paid for the attendance of governors Mead of Wyoming, Fallin of Oklahoma, Dalrymple of North Dakota, Hutchinson of Arkansas and Otter of Idaho, as well as numerous staff members, including chiefs of staff, communications directors, chief counsels and agency directors. Similarly, the DGA has paid for the attendance of Governor Bullock and various staff at DGA events. The RGA and the DGA cover travel costs not as “gifts,” but because the attendance of governors and key staff is critical to their respective missions.

16. Admit that the DGA payment of \$1,927.00 to the Director was reimbursement for travel expenses to attend a DGA event. See attachment A, Director O’Leary’s affidavit and American Express purchase record of plane tickets to the DGA event.

17. Admit. Attendance at either DGA or RGA events is typically not for the specific purpose of conducting official state business; however, it is common that while attending DGA events matters of policy are discussed. The events are attended by business and policy leaders with whom Governors have the opportunity to discuss key issues. Governors are staffed at these events to help track these conversations and manage any necessary follow up. These meetings also provide staff an opportunity to network with their counterparts in other states and learn about best practices and policy initiatives.

Count 1

18. Respondents incorporate all previous responses to the foregoing allegations.

19. Paragraph number 19 is a conclusion of law to which no response is required.

20. Respondents are without information sufficient to form a belief as to the vague allegations contained in paragraph 20 concerning “unidentified persons,” and therefore deny them. The Governor attended the event at the invitation of University of Montana President Royce Engstrom. The invitation provided for the Governor to be accompanied by staff.

Upon information and belief, tickets for the event were provided by the University of Montana Foundation.

21. Respondents are without information sufficient to form a belief as to the allegation contained in paragraph 21, and therefore deny them.

22. Admit that the Governor attended the event at the invitation of University of Montana President Royce Engstrom and that the Governor was accompanied by staff.

23. Deny.

24. Deny.

Count 2

25. Respondents incorporate all previous responses to the foregoing allegations.

26. Deny. The Governor and the Director used the state plane on August 5, 2014, to travel for official state business. They attended multiple functions in Missoula in their official capacity. Plane travel to conduct state business does not constitute a "gift." See the response to paragraph 10 above.

27. Paragraph 27 is a legal conclusion to which no response is required. To the extent a response is required, Respondents admit that the flight cost more than \$50.00 but deny that it was a gift or that it had "substantial value" within the meaning of the statute.

28. Deny.

29. Deny.

Count 3

30. Respondents incorporate all previous responses to the foregoing allegations.

31. Deny. The DGA reimbursed the Director for the purchase of plane tickets to attend a DGA meeting. See the response to paragraph 16 above and the accompanying attachment.

32. Paragraph 32 is a legal conclusion to which no response is required. To the extent a response is required, Respondents admit that the DGA reimbursement exceeded \$50.00 but deny that it was a "gift" or that it had "substantial value" within the meaning of the statute.

33. Deny.

34. Deny.

RESPONSE TO THE AMENDED COMPLAINT

Representative Tschida's amended complaint is time-barred, is insufficient to support any claim of a potential violation, and is frivolous and improper. The complaint should be rejected without a hearing. 44.10.604 (1)(b), ARM; § 2-2-136(1)(b), MCA.

I. Counts 1 and 2 are time-barred.

The amended complaint in this matter was received by the Commissioner's Office on September 21, 2016. The initial complaint was received by the Commissioner's Office on September 19, 2016. Pursuant to Administrative Rule of Montana 44.10.604 (1)(b), an ethics complaint must be filed within two years of the date of the alleged violation of the code. Counts 1 and 2 of the amended complaint concern events which took place on August 5, 2014. These events took place more than two years before the filing of the complaints in this matter. Counts 1 and 2 of the amended complaint are time-barred and must be rejected.

II. The amended complaint is insufficient to support any claim of a potential ethical violation.

The amended complaint is, on its face, factually and legally insufficient to support any claim of a potential ethical violation. Pursuant to Mont. Code Ann. § 2-2-104 (b)(i), a public officer breaches his or her public duty if they (1) accept a gift of substantial value; and (2) the nature of the gift would tend to improperly influence a reasonable person in the official's position to depart from the faithful and impartial discharge of the official's public duties. The complainant has the burden of proving both the acceptance of a gift of substantial value, and that the gift would by its nature improperly influence a reasonable person in the official's position to depart from their official duties. See, e.g., In the Matter of the Complaint of the Montana Democratic Party Against Judy Martz, Findings of Fact and Conclusions of Law,

September 25, 2002, at 13, fn 12 (“The Complainant has the burden of proof of establishing its complaint allegations pursuant to the normal burden of proof in a civil case: upon the preponderance of the evidence.”).

Tickets

Beyond empty assertions, the complaint does not show either that the concert tickets were gifts of substantial value or that the tickets could improperly influence a reasonable person in the Governor’s or the Director’s position to depart from their official duties. Assuming for the sake of argument each ticket is worth over \$50.00, the complaint is nonetheless silent as to how receipt of the tickets would improperly influence a reasonable person to alter their official actions as either Governor or the Director of the Department of Commerce. Even the initial complaint -- which contains factually baseless and defamatory assertions -- makes no argument as to how the tickets could influence a reasonable person to improperly depart from their official duties. The Governor and other figures in public office regularly attend events around the State that allow them to interact with business and community leaders and hard-working Montanans. This type of interaction is vital to the Governor and to other public officers as they evaluate the challenges facing the private sector as well as the opportunities that exist to grow Montana’s economy and workforce. It is a major aspect of the job of “governor,” and indeed an absolute necessity, to meet with a wide array of individuals, groups and constituencies from the Billings Chamber of Commerce to the Whitefish Senior Citizens Center.

In support of his complaint with regard to the tickets, Representative Tschida attaches three internet news articles. None of the attached articles constitute evidence. Nor does the attached material shed any light on how acceptance of the tickets would tend to influence a reasonable person to take an improper action with regard to their official duties. The complainant’s unsupported assertions, in either the initial or the amended complaints, do not meet the minimal threshold for showing objective improper influence. See, e.g., Molnar v.

Fox, 2013 MT 132, ¶¶ 30-32 (showing how Molnar's acceptance of \$2,000.00 from Northwestern Energy and PPL Montana could directly influence a reasonable person's official decisions as a PSC Commissioner). The complaint is legally and factually insufficient to support the claim of an ethical violation with regard to the concert tickets.

Use of the Plane

The Governor and the Director used the state plane on August 5, 2014, to attend in their official capacity multiple functions in Missoula. The Governor and the Director attended a function at the Grant Creek Ranch and met with Mr. Dennis Washington, Mr. Washington's guests, and employees of his companies. The Governor and the Director also attended a function at the Prescott House on the University of Montana Campus, meeting with alumni and benefactors of the University and Larry Simpkins who is co-chair of the Governor's Mains Street Montana Program. At the invitation of University President Royce Engstrom, the Governor attended the Paul McCartney concert where he was staffed by the Director. The concert was a major event for the University, with over 20,000 people from across Montana in attendance. Both in the President's box and in the stadium, the Governor interacted with many Montanans on a variety of issues.

The Governor is routinely staffed by the relevant agency directors when travelling on state business. Meg O'Leary, as Director of the Department of Commerce, has been directly involved in the Main Street Montana Program since its inception. As Director of Commerce, O'Leary is charged with job creation, job retention and job expansion for the State. The Director accompanied the Governor to provide her expertise in economic development and information with regard to Department of Commerce programs and the Montana Main Street program. The plane travel to Missoula was not, therefore, a "gift."

Reimbursement

The DGA, like the RGA, exists to promote the policies of their respective governors and to elect its preferred candidates to state governorships. Because the DGA and RGA both serve political functions, state officers generally do not expend state resources to attend DGA events, unless there are state business reasons for attendance – for example, educational policy meetings. Therefore, the DGA and the RGA regularly reimburse the costs incurred by governors and staff for attendance at their events. See, e.g., IRS Form 8872 filed for both the RGA and DGA, indicating travel reimbursements for governors and staff, available at: <http://forms.irs.gov/app/pod/basicSearch/search?execution=e3s1&max=10&offset=0>.

During the May 2015 DGA meeting, Director O’Leary and Kevin O’Brien, who was working at DGA as a Senior Advisor to Governor Bullock, staffed the Governor, who was at that time Chair of the DGA. In previous DGA meetings, the Governor has been staffed by senior advisors, including Tim Burton, Tracy Stone-Manning, Kevin O’Brien, and Ali Bovington. The reimbursement was not a “gift” from the Governor to the Director or from the DGA to the Director. Rather, it was a standard reimbursement made by the DGA to the Director to cover the cost of attending the event. The RGA makes similar reimbursements.

Further -- as with the claims related to the concert tickets -- the complaint is silent on how the reimbursement would improperly influence a reasonable state official to depart from the impartial discharge of his or her duties. The complaint therefore is factually inaccurate with regard to the reimbursement, and is legally and factually insufficient on its face to show objective improper influence.

III. The amended complaint is frivolous and improper.

The amended complaint is a contrived attempt to shoehorn unsupported innuendo into an ethics complaint. First, with regard to the concert tickets and the plane travel to Missoula, the complaint is time-barred. Second, the Director’s travel with the Governor to Missoula on

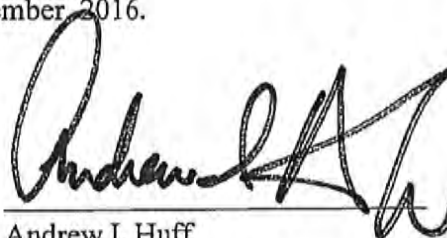
August 4, 2014, does not factually constitute a gift. Third, the DGA reimbursement to Director O'Leary for attendance at a DGA event in May of 2015 does not factually constitute a gift from the Governor to the Director, or from the DGA to the Director. Fourth, the complaint is entirely silent with regard to how any of the alleged "gifts" would improperly influence a reasonable person in the Governor's or Director's position to depart from the faithful and impartial discharge of their public duties.

It is clear, given the factually baseless and logically tortured nature of the complaint, that it has been submitted on the eve of an election for improper political reasons, rather than out of a good faith concern about the ethical conduct of state officials. The complaint should thus be rejected.

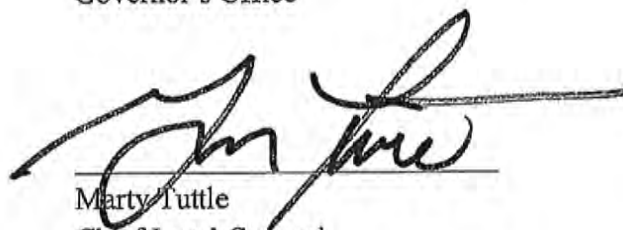
RESPONSE TO THE MOTION FOR RECUSAL

Respondents object to the motion for recusal in this matter. First, the complaint is time barred, is not factually or legally sufficient to state a potential ethics violation, and is frivolous and should not therefore be accepted. § 2-2-136(1)(b), MCA. Second, the Complainant has not alleged and has made no case that the Commissioner has any interest in a particular outcome to this proceeding. The complainant merely states that appointment by the governor is sufficient to merit recusal. However, there is a presumption of “honesty and integrity in those serving as adjudicators,” and the motion here rests on assumptions that are entirely speculative and insufficient to merit recusal. See Reichert v. State, 2012 MT 111, ¶39.

Respectfully submitted this 28th day of September, 2016.



Andrew I. Huff
Chief Legal Counsel
Governor's Office



Marty Tuttle
Chief Legal Counsel
Montana Department of Commerce

Ex. A

State of Montana)
 }
County of Lewis & Clark)

Affidavit of Margaret M. O'Leary

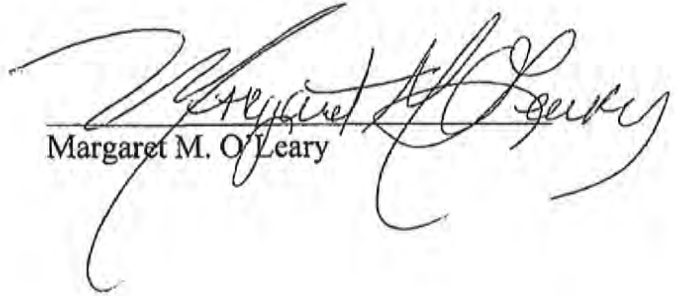
Affiant, Margaret M. O'Leary, of Helena, Montana, states as follows:

1. I am over the age of 18 and competent to testify to the matters contained herein.
2. I am the Director of the Department of Commerce and a Respondent in the matter of Tschida v. Bullock, O'Leary, Case No. COPP-2016-ETH-005.
3. Attached hereto is a true and correct copy of a Delta Airlines statement which evidences my March 31, 2015, payment of \$1,927.20 using my personal American Express card to purchase my round trip airline tickets from Helena to Louisville, Kentucky, to attend a Democratic Governors Association (DGA) meeting in May of 2015.
4. The DGA payment to me of \$1,927.00 was a reimbursement for the round trip airline tickets to Kentucky that I paid for using my personal credit card.

I declare under penalty of perjury that the foregoing is true and correct.

Further, Affiant sayeth naught.

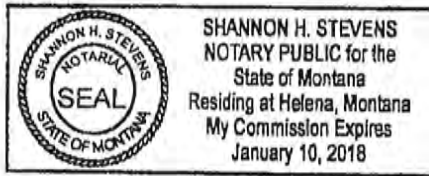
This instrument was signed before me on September 28, 2016, by Margaret M. O'Leary.


Margaret M. O'Leary

State of MT
County of L&C

sworn & subscribed before me by
Margaret O'Leary on September 28th, 2016.

Shannon H. Stevens



APR 30 2015		HLN MSP	Helena, MT, US to Minneapolis/St Paul, MN, US	TICKET # 0062305701961			
MQMs	MOSs	MOOs	BASE MILES	BONUS MILES	+12,229	TOTAL MILES	
5,650	5	\$1,747	8,735	3,494			
APR 30 2015						TICKET # 0062305701961	
HLN MSP — DL 4530 —		913	1	\$417	2,085	834	Inward Method R
Posted APR 30 2015							
BONUS DETAILS:			BONUS MQMs	BONUS MILES	POSTED		
Delta Air Lines Silver Medallion Bonus			..	834	APR 30		
APR 30 2015						TICKET # 0062305701961	
MSP SDF — DL 5831 —		603	1	\$276	1,380	552	Inward Method R
Posted MAY 01 2015							
BONUS DETAILS:			BONUS MQMs	BONUS MILES	POSTED		
Delta Air Lines Silver Medallion Bonus			..	552	MAY 01		
MAY 03 2015						TICKET # 0062305701961	
SDF ATL — DL 2099 —		1,000	1	\$147	735	294	Inward Method R
Posted MAY 03 2015							
BONUS DETAILS:			BONUS MQMs	BONUS MILES	POSTED		
Delta Air Lines 100% MQM Bonus			500	..	MAY 03		
Delta Air Lines Silver Medallion Bonus			-	294	MAY 03		
MAY 03 2015						TICKET # 0062305701961	
ATL SLC — DL 1105 —		2,384	1	\$726	3,630	1,452	Inward Method R
Posted MAY 03 2015							
BONUS DETAILS:			BONUS MQMs	BONUS MILES	POSTED		
Delta Air Lines 50% MQM Bonus			785	..	MAY 03		
Delta Air Lines Silver Medallion Bonus			-	1,452	MAY 03		
MAY 03 2015						TICKET # 0062305701962	
SLC HLN — DL 4807 —		750	1	\$181	905	362	Inward Method R
Posted MAY 03 2015							
BONUS DETAILS:			BONUS MQMs	BONUS MILES	POSTED		
Delta Air Lines 50% MQM Bonus			250	..	MAY 03		
Delta Air Lines Silver Medallion Bonus			-	362	MAY 03		

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Need Help?



Transaction Details Prepared for
 Margaret M O'Leary
 Account Number
 XXXX-XXXXXX-64007

DATE	DESCRIPTION	CARD MEMBER	AMOUNT												
MAR31 2016	DELTA AIR LINES ATLANTA	MARGARET M O'LEARY	\$1,927.20												
<p>Doing business as: DELTA AIR LINES DELTA.COM ATLANTA AIRPORT ATLANTA GEORGIA 30344 UNITED STATES OF AMERICA (THE)</p> <p>Additional Information: DELTA AIR LINES Reference: 320150900765892126 Category: Travel - Airline</p>		<p>Flight Details</p> <table border="1"> <tr> <td>HELENA</td> <td>✈</td> <td>MINNEAPOLIS INTERN</td> </tr> <tr> <td>MINNEAPOLIS INTERN</td> <td>✈</td> <td>LOUISVILLE STANDIF</td> </tr> <tr> <td>LOUISVILLE STANDIF</td> <td>✈</td> <td>ATLANTA HARTFIELD</td> </tr> <tr> <td>ATLANTA HARTFIELD</td> <td>✈</td> <td>SALT LAKE CITY</td> </tr> </table> <p>Ticket Number: 00523057019818 Date of Departure: 04/30 Passenger Name: OLEARYMARGARET M Document Type: PASSENGER TICKET</p> <p>Don't forget you can check your first bag for free on every Delta flight! Terms Apply</p>		HELENA	✈	MINNEAPOLIS INTERN	MINNEAPOLIS INTERN	✈	LOUISVILLE STANDIF	LOUISVILLE STANDIF	✈	ATLANTA HARTFIELD	ATLANTA HARTFIELD	✈	SALT LAKE CITY
HELENA	✈	MINNEAPOLIS INTERN													
MINNEAPOLIS INTERN	✈	LOUISVILLE STANDIF													
LOUISVILLE STANDIF	✈	ATLANTA HARTFIELD													
ATLANTA HARTFIELD	✈	SALT LAKE CITY													