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COMMISSIONER OF  
POLITICAL PRACTICES

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In the Matter of Klaas Tuininga's  
Complaint Against Steve Bullock

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**STATEMENT OF FINDINGS  
AND CONCLUSION**

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Manhattan resident Klaas Tuininga ("Tuininga") submitted a complaint on September 06, 2012, alleging candidate for governor Steve Bullock ("Bullock") violated Montana law by accepting campaign contributions in excess of the limits provided in § 13-37-216, MCA and by improperly designating contributions in violation of § 44.10.330, Admin.R.Mont. Tuininga also alleges Bullock accepted contributions from political action committees that were not properly registered in violation of the law. Former Commissioner James W. Murry recused himself pursuant to §13-37-111, MCA, and the undersigned was appointed Deputy Commissioner for purposes of resolving this complaint.

For the reasons noted below, the Deputy Commissioner concludes there is sufficient evidence to conclude that with regard to three contributions referenced in Tuininga's complaint, Bullock either failed to properly designate contributions as directed by the donor in violation of § 44.10.330, Admin.R.Mont, or received the contributions in excess of the limits provided in § 13-37-216, MCA, or both. With regard to Tuininga's allegation that Bullock violated Montana law by accepting contributions

from political action committees not properly registered with the COPP, the Deputy Commissioner finds no such violation.

### **SUMMARY OF FACTS**

Bullock ran for governor in the 2012 election. Tuininga's complaint alleges Bullock's campaign accepted contributions in excess of the limits or improperly designated contributions from seventeen political action committees. Tuininga specifically alleges contributions from the following political action committees were received or reported in violation of Montana law: Capital One Financial Corp. Association Political Fund, Comcast Political Action Committee, EchoStar Corp. and DISH Network Corp. PAC, Pfizer PAC, RAC Good Government Committee, GlaxoSmith Kline PAC, Endo PAC, Billings Fire Fighters Local 521 PAC, Great Falls Education Association (GFEA) PAC, Glacier PAC, MEA-MFT COPE, Holicum (US) Inc. PAC, The Home Depot Inc. PAC, Progressives United PAC, Montana Public employees Association (MPEA) PAC, Helena Education Association (HEA) PAC, and Lowe's Companies, Inc. PAC. Attached to the complaint were various Federal Election Commission (FEC) forms relating to some of the contributions and various Montana Commissioner of Political Practices forms relating to others.

The Bullock campaign responded to the allegations in four written responses, asserting none of the contributions Tuininga complained about were over the limits allowed by law or improperly designated, and that it is not responsible for checking the registration status of its donors. The Bullock campaign referred to its own campaign finance reports and provided the following documents:

- Pfizer PAC checks showing a May 24, 2012 contribution for \$320 designated for the primary election and an August 23, 2012 check for \$250 designated for the general election.
- MPEA EPIC letter dated April 24, 2013 which indicates the PAC contributed \$630 to Bullock on April 5, 2012 as a primary election contribution and that it subsequently wrote a \$500 check to the Bullock campaign on May 25, 2012, which was erroneously listed as a primary contribution through a clerical error made by its accountant. The letter indicates MPEA EPIC intended the \$500 to be designated as a general election contribution;
- Comcast PAC letter dated February 15, 2012 and copies of two Comcast PAC contribution checks showing proper designations;
- RAC Good Government Committee letter dated October 25, 2012 confirming it designated \$30 of its \$660 April 22, 2012 contribution toward the primary election and \$630 toward the general election;
- Home Depot Check stubs for November 2, 2011 contributions designated \$630 for the primary election and \$630 for the general election;
- Progressives United PAC letter dated April 24, 2012 designating its \$1260 contribution check \$630 towards the primary election and \$630 towards the general election;
- Helena Education Association board of directors meeting minutes dated May 15, 2012, which show HEA's contributions were

designated \$630 toward the primary election and \$630 towards the general election; and

- GlaxoSmith Kline PAC -June 4, 2012 letter from the Bullock campaign to GlaxoSmith Kline PAC explaining the contribution limits and returning \$290, which was donated in excess of the limits; and July 17, 2012 letter from GlaxoSmith Kline PAC to the Bullock campaign authorizing it to designate its previously designated primary contribution to the general election;

The Commissioner's investigator reviewed the complaint, responses, submitted documents and Bullock campaign finance reports. The investigation revealed the Bullock campaign properly received and designated its contributions from fourteen of the seventeen political action committees about which Tuininga complained and improperly received or reported contributions from three others. The specific allegations and factual findings are outlined below.

**Allegation 1:** Tuininga alleges Capital One PAC gave Bullock \$600 which it designated half for the general election and half for the primary election and that Bullock designated it all towards the primary election.

**Factual Finding:** Bullock's July 2011 C-5 report shows it designated \$300 towards the primary election and \$300 towards the general election as the donor directed.

**Allegation 2:** Tuininga alleges Comcast PAC made two contributions totaling \$1260 to Bullock prior to the primary election and that neither contribution was designated for the general election and therefore in excess of the primary election limit.

**Factual Finding:** Copies of two February 14, 2012 Comcast PAC checks show one \$630 contribution was designated for the general election and the other for the primary election.

**Allegation 3:** Tuininga alleges Bullock took two \$600 contributions from EchoStar Corp and DISH Network PAC in the primary election, one of which was designated \$300 towards the general election and \$300 towards the primary election, and one not designated at all, and thus in excess of the primary election limit.

**Factual Finding.** The FEC reports attached to the complaint show EchoStar Corp and DISH Network PAC did not report a designation to the FEC for the \$600 contribution made on April 20, 2011. The Bullock campaign response indicates the PAC made a verbal request to have its contributions all split half to the primary election and half to the general election. The Bullock campaign's December 2010 and July 2011 C-5 reports split and designate the contributions half towards the primary election and half towards the general election as verbally designated. Neither the primary election contributions nor the general election contributions exceed the limits.

**Allegation 4:** Tuininga alleges Pfizer PAC contributed \$930 to Bullock before the primary and that none of its contributions were designated and thus in excess of the primary limit. The Bullock campaign contends Pfizer PAC's first \$310 contribution in 2009 was properly applied toward the primary election, that it received a verbal designation for a \$300 contribution made in 2011 to be applied towards the general election, and that the 2012 checks contained written designations (\$320 for the primary and \$250 for the general). The Bullock campaign provided copies of Pfizer PAC checks

showing a May 24, 2012 contribution for \$320 designated for the primary election and an August 23, 2012 check for \$250 designated for the general election.

**Factual Finding:** Bullock's July 2009 C-5 report shows Bullock designated the first \$310 contribution towards the primary election. Bullock's July 2011 C-5 report shows Bullock designated the 2011 \$300 contribution towards the general election. Bullock's June 2012 C-5 report shows Bullock designated \$20 of the May 24, 2012 contribution towards the primary election and \$300 of the May 24, 2012 contribution towards the general election in contradiction of the designation on the Pfizer PAC check. Bullock's September 2012 C-5 report shows Bullock properly designated the August 23, 2012 \$250 contribution towards the general election. The C-5 reports demonstrate the Bullock campaign improperly designated \$300 of Pfizer PAC's May 24, 2012 contribution towards the general election. If the Bullock campaign had properly designated the contributions they would have totaled \$630 for the primary election and \$550 for the general election, neither of which would have been in excess of the contribution limits. By improperly designating \$300 of the May 24, 2012 contribution to the general election, the Bullock campaign reported a total of \$850 in contributions from Pfizer PAC for the general election.

**Allegation 5:** Tuininga alleges Bullock received a \$600 contribution on June 28, 2011 from RAC Good Government Committee designated for the primary election and then received a subsequent \$660 contribution on April 13, 2012 designated for the general election and \$30 in excess of the \$630 contribution limit provided for in § 13-37-216, MCA. The Bullock campaign responds that RAC made the second contribution in the amount of \$660, and designated \$630 towards the general election and \$30 towards

the primary election. The Bullock campaign submitted a letter authorizing the \$30 designation towards the primary election.

**Factual Finding:** The RAC Good Government Committee letter provided by the Bullock campaign indicates \$30 of the \$660 contribution was to be applied towards the primary. However, the letter post-dated Tuininga's complaint.

**Allegation 6:** Tuininga alleges Bullock received contributions from GlaxoSmith Kline PAC which exceed the contribution limits. Tuininga alleges GlaxoSmith Kline PAC gave Bullock \$310 designated for the primary election and \$310 designated for the general election in December 2009, that it gave Bullock another \$300 contribution designated for the primary election in August 2011, and that it gave Bullock \$630 designated for the primary in June 2012. The Bullock campaign does not contest it received the contributions specified in Tuininga's complaint, but contends it complied with the law by refunding \$290 to GlaxoSmith Kline PAC on June 4, 2012 and receiving written authorization to apply contributions previously designated towards the primary to the general election.

**Factual Finding:** The Bullock campaign's June 2012 C-5 report shows Bullock reported the \$630 June 4, 2012 contribution as \$290 designated towards the primary election and \$340 designated towards the general election. The Bullock campaign refunded \$290 to GlaxoSmith Kline PAC on June 4, 2012 and noted the applicable contribution limits. On July 17, 2012 GlaxoSmith Kline PAC gave written authorization for the Bullock campaign to designate its previous primary contributions to the general election. Even after making the \$290 refund however, the Bullock campaign was in receipts of primary election contributions in excess of the primary election limit by \$320.

It should have refunded \$610 and instructed the PAC it could re-issue a contribution designated towards the general election in the amount of \$320.

**Allegation 7:** Tuininga alleges Endo PAC gave Bullock \$600 in 2012 and designated \$300 towards the primary election and \$300 towards the general election, and that the Bullock campaign designated it all towards the primary election. The Bullock campaign responds the contributions were made in 2011 and asserts it designated them correctly.

**Factual Finding:** The Bullock campaign's July 2011 C-5 shows the contributions were designated \$300 towards the primary election and \$300 towards the general election.

**Allegation 8:** Tuininga alleges Billings Fire Fighters Local 521 PAC gave contributions to Bullock that were over the allowed limits and that the contributions were illegal because the PAC was not properly registered.

**Factual Finding:** The Fire Fighters Local 521 PAC has been registered with COPP since 2009. The Bullock campaign's April 2012 C-5 report shows a \$380 contribution designated towards the primary election and \$120 designated towards the general election with totals of \$630 towards the primary election and \$120 towards the general election. None of the contributions were over the allowed limits.

**Allegation 9:** Tuininga alleges GFEA PAC contributed \$300 to the Bullock campaign in March 2012, and that the contribution was illegal because GFEA PAC had not submitted a report to the Commissioner's office since 2010 and was therefore not properly registered.

**Factual Finding:** GFEA PAC filed a 2012 report and was properly registered.



**Allegation 10:** Tuininga alleges Glacier PAC contributed \$630 to the Bullock campaign on March 11, 2012 and that the contribution was designated for the general election but reported by the Bullock campaign towards the primary election. The Bullock campaign responds the contribution was received prior to the primary and without a designation, so it properly designated it towards the primary. The Bullock campaign further responds it is not required to check FEC reports to make sure it's designations match the contributor's designations.

**Factual Finding:** The Bullock campaign's April 2012 C-5 report shows it designated the contribution towards the primary election. The FEC report attached to the complaint shows Glacier PAC designated the contribution towards the general election.

**Allegation 11:** Tuininga alleges MEA-MFT COPE contributed \$1260 to the Bullock campaign in February 2012 and designated the entire contribution towards the primary. Bullock responds Erik Burke of MEA-MFT COPE verbally designated the contribution be split between the primary and general elections.

**Factual Finding:** The MEA-MFT COPE report attached to the complaint shows the entire contribution designated towards the primary. The investigator spoke with Erik Burke and he confirmed the contribution was verbally designated to be split and that the report was made in error.

**Allegation 12:** Tuininga alleges Holicum PAC made two \$310 contributions to the Bullock campaign in May 2009 which were supposed to be designated one to the primary election and the other to the general election, but that the Bullock campaign

designated all \$620 towards the primary election. The Bullock campaign responds the complaint is incorrect and that it properly designated the contributions.

**Factual Finding:** The Bullock campaign's July 2009 C-5 report shoes the contributions designated \$310 towards the primary election and \$310 towards the general.

**Allegation 13:** Tuininga alleges the Home Depot Inc. PAC contributed \$1260 to the Bullock campaign without designations in December 2011 and that the contribution exceeded the primary limit by \$630. The Bullock campaign responds the complaint is incorrect and that the contributions were properly designated.

**Factual Finding:** The Home Depot Inc. PAC designated \$630 towards the primary election and \$630 towards the general election, as demonstrated on the checks provided by the Bullock campaign.

**Allegation 14:** Tuininga alleges the Bullock campaign received contributions over the limit from Progressives United PAC because it received \$1260 in April 2012 without designations. The Bullock campaign responds the contributions were designated.

**Factual Finding:** Progressives United PAC designated their contributions to be split \$630 towards the primary election and \$630 towards the general election in their April 24, 2012 letter to the Bullock campaign. The contributions were properly designated on Bullock's May 2012 C-5 report.

**Allegation 15:** Tuininga alleges MPEA PAC contributed \$630 to the Bullock campaign in April 2012, then contributed another \$500 in May 2012, and that both contributions were designated on its report as primary election contributions. Bullock

responds the first contribution was properly designated towards the primary election and that MPEA PAC intended the \$500 contribution to be designated towards the general election.

**Factual Finding:** MPEA PAC intended to designate the \$500 contribution towards the general election. The MPEA PAC letter dated April 24, 2013 indicates the MPEA PAC report showing the \$500 as a primary contribution was a clerical error by the PAC's accountant.

**Allegation 16:** Tuininga alleges the HEA PAC contributed \$1260 to the Bullock campaign on June 4, 2012 and that the entire amount was designated as a primary election contribution, and that Bullock designated half to the primary election and half to the general election. The Bullock campaign responds the contribution was designated half towards the primary election and half towards the general election.

**Factual Finding:** HEA PAC minutes dated May 15, 2012 reflect HEA PAC's intent to designate its contribution \$630 for the primary election and \$630 for the general election. The contributions were properly designated.

**Allegation 17:** Tuininga alleges the Bullock campaign received \$1260 from the Lowe's Companies, Inc. PAC, that the PAC is not properly registered, and that the contributions weren't designated and therefore in excess of the limits. The Bullock campaign responds the Lowe's Corp. PAC contributions were properly designated and not in violation of the law as demonstrated by the Commissioner's previous decision in regarding the Swope complaint.

**Factual Finding:** The Lowe's Corp. PAC contributions were investigated and addressed in *In The Matter of Glen C. Swope's Complaint Against Steve Bullock* (Oct.

24; 2012). There, the Deputy Commissioner found the Lowe's Corp. PAC contributions were designated on two separate contribution checks dated May 30, 2012.

### **STATEMENT OF FINDINGS**

Tuininga alleges Bullock violated Montana Code Annotated § 13-37-216, which provides in pertinent part

#### **13-37-216. Limitations on contributions--adjustment**

(1)(a) Subject to adjustment as provided for in subsection (4), aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$500;

...

(4)(a) The commissioner shall adjust the limitations in subsections (1) and (3) by multiplying each limit by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the year in which a general election is held by the consumer price index for June 2002.

***(5) A candidate may not accept any contributions, including in-kind contributions, in excess of the limits in this section.***

Mont. Code Ann. § 13-37-216(1)(a),(4)(a),(5) (emphasis added). Pursuant to subsection (4), contribution limits for a political committee to a candidate for Governor were \$630 per election during the period at issue.

Further, Tuininga alleges Bullock violated Administrative Rules of Montana 44.10.330 which provides in pertinent part:

#### **44.10.330 DESIGNATION OF CONTRIBUTIONS FOR PRIMARY AND GENERAL ELECTIONS**

(1) Aggregate contributions for each election in a campaign are limited according to 13-37-216, MCA. An "election" in a campaign, for the purposes of 13-37-216, MCA, is defined as either a primary election or a general election.

(2) For purposes of applying aggregate contribution limits per election the following apply:

(a) Aggregate contribution limits for each election, as set forth in 13-37-216, MCA, apply to a primary election and to a general election as defined in ARM 44.10.334;

(b) Time periods for filing reports of contributions and expenditures are set forth in 13-37-226 and 13-37-228, MCA. As a general rule, contributions received by a candidate prior to and on the day of a primary election are designated for the primary election and are subject to the aggregate contribution limits for the primary election; however, a candidate in a contested primary may receive contributions designated for the general election during the primary election period (except for in-kind contributions) subject to the contribution limits for the general election;

(c) General election contributions received prior to the primary election must be maintained in a separate account and shall not be used until after the primary election;

(d) All contributions received by a candidate after the day of the primary election are designated as general election contributions and are subject to the aggregate contribution limit for the general election, except that a candidate may continue to receive contributions designated for the primary election subject to the limits after that election only for the purpose of paying primary election debts. General election contributions shall not be used to pay primary election debt;

Admin.R.Mont. 44.10.330(1)-(2).

The facts demonstrate the contributions referenced in Tuininga's allegations 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 were legally accepted and reported by the Bullock campaign. Further, Tuininga is incorrect that contributions from PACs not properly registered with the Commissioner's office will constitute a violation on behalf of the candidate. Montana law does not require candidates to verify compliance by PACs with reporting requirements to the Montana Commissioner of Political Practices in order to accept contributions. See *In The Matter of Glen C. Swope's Complaint Against Steve Bullock* (Oct. 24, 2012).

With regard to the contributions referenced in Tuininga's allegations 4 (Pfizer PAC), 5 (RAC Good Government Committee), and 6 (GlaxoSmith Kline PAC), the facts demonstrate the Bullock campaign violated Montana law.

The Bullock campaign failed to designate Pfizer PAC's May 24, 2012 contribution as directed on the check. While the facts demonstrate PAC's contributions did not exceed the limits set forth in § 13-37-216, MCA if properly designated, the Bullock campaign failed to accurately designate the contribution in violation of Commissioner of Political Practices' Administrative Rule § 44.10.330. The contributions as designated therefore, total of \$850 in contributions from Pfizer PAC for the general election, which exceeds the general election limit by \$220 in violation of § 13-37-216, MCA.

The Bullock campaign also violated § 13-37-216, MCA with regard to its RAC Good Government Committee contribution. The April 13, 2012 contribution for \$660 was designated for the general election and \$30 in excess of the \$630 contribution limit provided for in § 13-37-216, MCA. While RAC Good Government Committee provided a letter indicating the Bullock campaign was allowed to designate \$30 towards the primary election, the letter post-dated Tuininga's complaint. Post-dated designations will not nullify a violation of the law. See *In the Matter of the Complaint Against Miller for Governor 2012*, Amended Summary of Findings of Facts, Statement of Findings, and Conclusion, p. 15 (June 20, 2012).

The Bullock campaign's contributions from GlaxoSmith Kline PAC also exceed the primary election contribution limit by \$610 in violation of § 13-37-216, MCA. The contributions were also improperly designated in violation of Admin.R.Mont. § 44.10.330. The Bullock campaign reported the \$630 June 4, 2012 contribution, which

was designated as a primary election contribution as \$290 for the primary election and \$340 for the general election. The Bullock campaign refunded \$290 to GlaxoSmith Kline PAC on June 4, 2012 and noted the applicable contribution limits and later received authorization to change the PAC's primary designation to a general election designation. Contributions received in excess of the limits must be returned. A subsequent authorization to change the designation does not nullify the violation. See *In the Matter of the Complaint Against Miller for Governor 2012*, Amended Summary of Findings of Facts, Statement of Findings, and Conclusion, p. 13.

### **FINDING OF VIOLATION**

There is sufficient evidence to conclude the Bullock Campaign violated § 13-37-216, MCA by accepting three separate contributions in excess of the limits allowed. Together, the contributions exceeded the limits by \$860. There is also sufficient evidence to conclude the Bullock campaign violated Admin.R.Mont. § 44.10.330 by improperly designating those contributions.

### **CONSIDERATION OF PRINCIPLES OF DE MINIMUS VIOLATION, EXCUSEABLE NEGLIGENCE AND PROSECUTORIAL DISCRETION**

In recent decisions on other matters, Commissioner of Political Practices Jonathan Motl has considered principles relating to violations of campaign laws that may seem minimally culpable in the factual circumstances of a given situation. [See *Matter of Vincent Complaint COPP-2013-CFP-006* and *Matter of Hendry Complaint COPP-2013-CFP-009* and *Royston v. Crosby, No. COPP 2012-CFP-41*]. Commissioner Motl noted the Commissioner of Political Practices must make a decision on any alleged violation of campaign practices laws and must take action as the law requires if there is "sufficient evidence" of a violation. [See, §13-37-111(2)(a) MCA, and §13-37-124 MCA].

However, the Commissioner is given discretion in regard to prosecution of a violation. [See §13-37-124(1) MCA].

In *Canyon Ferry Rd. Baptist Church of E. Helena v. Unsworth* 556 F.3d 1021, 1028-29 (9<sup>th</sup> Cir. 2009), the 9<sup>th</sup> circuit held that ballot initiative services conducted on church property had such limited and indefinite value as to be *de minimis* and unable to support prosecution. In resolving the Vincent and Hendry complaints, Commissioner Motl noted the Commissioner's office had previously applied a *de minimis* concept, without specific articulation, in declining prosecution because of minimal harm in failure to make appropriate attribution on a website [See *In the Matter of Fitzpatrick Complaint, COPP-CFP-2011-014*] and in late filing of campaign reports of 11 days [See *In the Matter of Washburn Complaint, COPP-CFP-2013-002*] and 17 days [See *In the Matter of the Complaint Against CMRG*, decided February 21, 2002]. However, in the Vincent and Hendry complaints, Commissioner Motl found the late filing of a post-campaign report by 71 days was not *de minimis* where the candidate was aware of the deadline and chose, for understandable personal reasons, to accept the consequences of late filing.

Commissioner Motl observed that in considering whether irregularities in compliance with campaign laws constitute excusable neglect, the intent and motive of those filing reports on behalf of the candidate is not appropriately considered, as lack of knowledge of the law provides no excuse for its violation. *Wiard v. Liberty N.W. Ins. Corp.*, 2003 MT 295, ¶ 32, 318 Mont. 132, ¶ 32, 79 P.3d 281, ¶32. In that decision, Commissioner Motl further noted:

For purposes of future matters it is also noted that a showing of excusable neglect generally requires justification for error beyond mere carelessness



or ignorance of the law. *Empire Lath & Plaster, Inc. v. American Casualty Co.*, 256 Mont. 413, 417, 847 P.2d 276, 278 (1993). Neglect that is "due to forgetfulness and the press of other, more important business is not sufficient to establish excusable neglect." *Foster Apiaries, Inc. v. Hubbard Apiaries, Inc.*, 193 Mont. 156, 161, 630 P.2d 1213, 1216 (1981).

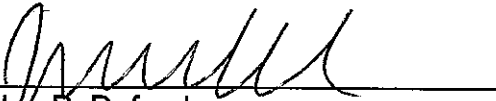
In *Royston v. Crosby*, No. COPP 2012-CFP-41, Commissioner Motl again considered principles of *de minimis* violation and prosecutorial discretion. The Commissioner found 26 people had effectively established an incidental political committee by pooling funds to place two newspaper ads, at a cost of \$273, in support of a political candidate. Their failure to file a statement of organization naming themselves as a committee, and to attribute the ads to their committee, violated Montana law. The Commissioner found no excusable neglect since the person placing the ad intended her actions. However, a finding of *de minimis* violation was made where the funds involved were below the \$500 amount established by the Legislature for filing incidental committee expenditure reports, the individual contributions were approximately \$10 per person, there was no indication of money laundering as all 26 people were named, and the activity was a classic example of speech serving the function of civic discourse.

The Deputy Commissioner appointed in this matter has considered the principles of *de minimis* violation, excusable neglect, and prosecutorial discretion because each of the violations in this matter are technical in that more careful attribution, reporting, and refunding followed by lawful re-contribution could have prevented a finding of campaign law violations. There is no evidence of willful attempt to obtain or receive contributions in excess of statutory limits or to hide excess contributions. Given the number of contributions received in a gubernatorial campaign, mistakes of this nature may be understandable. However, the Deputy Commissioner, in the context of Montana law

and the guidance provided in recent decisions of Commissioner Motl, is unable to conclude the violations in this matter are excusable or *de minimis*. If the law is applied to the facts, contributions in excess of statutory requirements were received and deposited. While technical compliance with campaign finance laws is necessary for all candidates, it must be expected in particular for candidates for statewide office, including for the highest office in the state, Governor.

With a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable, civil prosecution and/or a civil fine is justified. This matter will be referred to the County Attorney for Lewis and Clark County for consideration of prosecution. If prosecution is declined by this office, and the matter returned to the Deputy Commissioner, principles of mitigation as outlined by Commissioner Motl and long followed by the Commissioner's office, will be applied to attempted resolution of this matter.

DATED this 17 day of October, 2013.

  
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Jay P. Dufrechou  
Deputy Commissioner of Political Practices