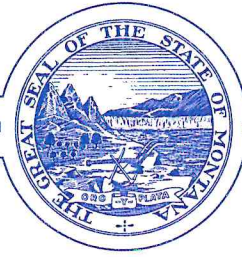


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
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March 22, 2024

Mary and Rick Moser
18 Ridgeway Rd.
Red Lodge, MT 59014

Subject: Complaint received March 7, 2024; Moser and Moser v Bennett
and Franish, COPP-2024-CFP-005

Mary/Rick,

This letter acknowledges the receipt of your formal complaint, received by this Office on March 7, 2024. Your signed and sworn complaint appears to allege a violation of Montana election law under my jurisdiction as Commissioner of Political Practices, and also appears to conform to the basic requirements of 44.11.106 ARM. Therefore, I will accept it as filed. While presented on an Ethics complaint form, I am classifying this matter as a Campaign Finance and Practices (CFP) Complaint, as the alleged violations involve Montana election law and the named respondents are individuals associated with an established political party central committee.

Pursuant to the established process, a letter and copy of the complaint is being sent to the named respondents, requesting that they provide a written response to this office and retain pertinent records pending further investigation of this matter.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant COPP rulings, and reserve the right to dismiss the complaint upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, upon this further review, I may determine that a formal investigation is warranted. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update.

If an investigation is conducted, a decision will be issued which includes a summary of facts and determines if those facts are sufficient or insufficient to support a violation. This decision will also determine if prosecution is justified. Upon completion of this investigation a copy of the decision will be sent to you and posted on COPP's website.

If I determine prosecution is justified, this matter will be referred to the county attorney in the county where the violations occurred. The county attorney will then determine whether they will prosecute the matter or refer it back to me. If returned to me, I will either work with the responding party to settle the matter or prosecute it within their local jurisdiction in district court.

In accordance with my statutory duties, I must consider recusal in any matter that would give rise to the appearance of impropriety, results in a conflict of interest or the “appearance of a conflict of interest between public duty and private interest pursuant to Title 2, chapter 2.” MCA § § 13-37-111(3) and 13-37-108(6). If I recuse myself from any such matter, I will appoint a deputy commissioner with the qualifications specified in MCA § 13-37-107 to handle this matter going forward.

Prior to my appointment as commissioner, I represented respondent Lisa Bennett in a matter pertaining to a public records request. Recusal is discretionary and I will consider my duties under the law and the details of my prior representation of Ms. Bennett to determine if recusal is necessary and appropriate. *See Powell v. Motl*, OP-14-0711, Order of the Montana Supreme Court (Nov. 6, 2014). However, based on this information, if you would like to request my recusal from this matter, please do so by April 1, 2024 and include any information you feel is pertinent to my decision. I will make a determination as to recusal after having an opportunity to review anything you provide.

I appreciate your prompt attention to this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices