

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)  
STATE OF MONTANA

In Re: The matter of Falagan v. Bennett	COPP-2024-CFP-010  ORDER APPOINTING DEPUTY COMMISSIONER
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**PROCEDURAL HISTORY**

On April 29, 2024, Nadine Falagan, of Roberts, MT, filed a campaign finance and practices complaint against Lisa Bennett, of Red Lodge, MT. At the time this complaint was lodged, Ms. Bennett was a candidate for election to the Montana House of Representatives for House District 55. The complaint alleged Ms. Bennett's campaign signs lacked the required attribution mandated by MCA § 13-35-225. The submitted complaint was properly signed and notarized, and alleged violation of a statute falling under the jurisdiction of COPP. Therefore, it was accepted as filed and in accordance with COPP procedures, a response was requested from Ms. Bennett.

MCA § § 13-35-225(5), (6), specifies the procedure COPP must follow when an attribution complaint is received. COPP first determines if a complaint appears to be merited and notifies the complainant and the candidate of the findings. If a determination is made more than seven days prior to an election, the candidate is provided two business days to bring the material into compliance. If a determination is made less than seven days prior to an election, the candidate is notified they have 24 hours to bring the material into compliance. If these changes are not timely made, "the candidate. . .is subject to a civil penalty pursuant to 13-37-128." MCA § 13-35-225(6)(b).

Here, COPP followed the statutorily outlined procedures and ultimately determined Ms. Bennett had not brought the implicated materials into compliance.

Therefore, COPP determined prosecution of this matter was justified and referred this matter to the Carbon County Attorney. When COPP refers a matter to a county attorney, the county attorney is provided 30 days in which to determine if they will prosecute the matter or return the matter to COPP. MCA § 13-37-124(1), (2). This matter was waived by the Carbon County Attorney and returned to COPP, at which time “the commissioner may then initiate appropriate legal action.” *Id.* at (1)

### AUTHORITY

Montana law vests in the Commissioner of Political Practices the duty to investigate all alleged violations of election law contained in Title 13, chapters 35 and 37, of the Montana code, and to enforce these laws in conjunction with Montana county attorneys. MCA § 13-37-111. “If the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused from participating in the matter.” MCA § 13-37-111(3). Unless a complaint is filed against the commissioner, recusal is discretionary. See *Powell v. Motl*, OP-14-0711, Order of the Montana Supreme Court (Nov. 6, 2014).

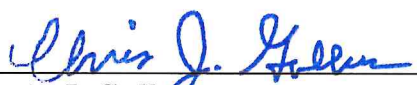
Prior to his appointment as commissioner, Commissioner Gallus represented Lisa Bennett in a matter pertaining to a public records request. Upon receipt of this complaint by COPP, Commissioner Gallus considered recusal under MCA § 13-37-111(3) and determined his recusal was not necessary or appropriate. However, on May 28, 2024, following acceptance of the above-named complaint and the Commissioner’s decision in this matter, he became aware of a developing private legal issue involving Ms. Bennett which caused the Commissioner to again consider recusal and determine it to be in the best interest of COPP, Ms. Bennett, and Montana citizens.

In the event the commissioner chooses to recuse himself, the commissioner must appoint a deputy commissioner that meets the same qualifications as the commissioner himself which are described in MCA § 13-37-107.

## APPOINTMENT

In this matter, Commissioner Gallus has recused himself, and Patrick Risken is hereby appointed to serve as deputy commissioner. The Commissioner has determined that Mr. Risken meets the qualifications described in MCA § 13-37-107 and has duly executed a contract with Mr. Risken in accordance with MCA § 13-37-111(7). This appointment begins on October 2, 2024, and terminates on December 31, 2024, unless extended by a written agreement signed by the Commissioner and Mr. Risken. Mr. Risken has the same authority, duties, and responsibilities as the commissioner in the above-named matter in accordance with MCA § 13-37-111(6).

Signed this 7<sup>th</sup> day of October, 2024.

  
Chris J. Gallus  
Commissioner of Political Practices  
State of Montana