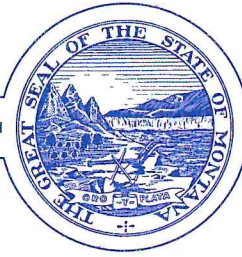


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

August 15, 2023

Rhett Coon, Facilities Director
Glendive Public Schools
PO Box 701
Glendive, MT 59330

Delivered via email to: coonr@glendiveschools.org

Subject: Complaint received August 10, 2023; Peterson Jr.
v. Glendive Unified School via Rhett Coon,
Facilities Director, COPP-2023-CFP-012

Rhett,

The enclosed complaint alleges a violation of Montana election law under Title 13, Chapters 35 and 37 of the Montana Code Annotated, enforcement of which falls under my jurisdiction as Commissioner of Political Practices. The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I have accepted it for further consideration. While the complaint is presented on an Ethics complaint form, I am accepting it as a Campaign Finance and Practices (CFP) complaint, as each alleged violation pertains to election law under Title 13, Chapters 35 and 37 over which I maintain appropriate jurisdiction.

Upon review, I have determined that the allegation that certain material fails to include the required 'paid for by' attribution message is merited, as each of the two election communications mentioned in this complaint does not include such a message, Mont. Code Ann. §13-35-225(1). You will need to add full attribution messaging to all copies of this communication remaining in your possession and email a photo to the COPP showing this addition- distribution of any unattributed copies of the communication must be halted until the full 'paid for by' attribution message is added. For any copies of this communication that have already been publicly distributed without inclusion of the full attribution message, COPP would require you provide a written statement that includes a picture of the communication, the full 'paid for by' attribution message required under Mont. Code Ann. §13-35-225(1), the

quantity of unattributed communications distributed, and the date or dates unattributed copies of the communication were distributed.

If you did not engage in the activity relating to this complaint, I would appreciate having any additional information you can provide as to potential parties involved. It is in everyone's best interest to immediately resolve the situation in the manner described above, and COPP will work with you, or other parties, to get this accomplished.

The complaint makes additional allegations related to general reporting and disclosure requirements. I also request you respond in writing to these allegations as well, including a general identification (if known) of the person or persons who financed, produced, and distributed these election communications, the method or methods of distribution, and the amount expended to do so.

Please provide this formal response, including the required attribution remedy as detailed above, on or before Monday, August 21 at 5:00 PM. Any response/s you provide will be made public on the COPP's website. The response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

This letter initiates the legal process established by this office and Montana law to determine whether the allegations in the complaint are valid. Consequently, at this point, all parties have a duty to maintain all records currently in your possession should my initial review result in an investigation.

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. If an investigation is conducted, a summary of facts and statement of findings will be prepared, and a copy will be sent to you. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update. If violations are determined during this process, they are typically referred to the local county attorney. The local county attorney then determines 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.

To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained even these records might

need to be produced if attorney/client privilege is not involved. Your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in Mont. Code Ann. §45-7-207.

While I do not anticipate that you would intentionally destroy any relevant records, due to the severity of the penalty I feel compelled to provide you with the relevant statute in this regard. See, Attached Mont. Code Ann. §45-7-207 (Tampering with or fabricating physical evidence). This Office may need to review documents connected to your residency during the prescribed period. Accordingly, Mont. Code Ann. §13-37-111 authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation.

Please note that, if either your response or any formal investigation conducted by COPP identifies potential violations of Montana's Code of Ethics under Title 2, Chapter 2, I will be compelled to forward those to the Dawson County Attorney for their consideration, as the local county attorney (rather than myself) is the entity provided appropriate jurisdiction under Mont. Code Ann. §2-2-144. While I am not provided statutory authority to consider alleged violations of Montana's Code of Ethics committed by an officer or employee of a local government, I feel it is best to let you know that this complaint does appear to indirectly allege such violations, which may require analysis of and referral to the county attorney to resolve.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices

Cc: Stephen Schreibeis, Superintendent, Glendive Public Schools

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.