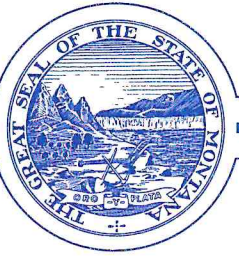


COMMISSIONER OF  
POLITICAL PRACTICES



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

October 16, 2023

Vaughn Jenkins  
401 N. Kendrick Ave.  
Glendive, MT 59930

Delivered via email to: [Vljenkins54@gmail.com](mailto:Vljenkins54@gmail.com)

Subject: Complaint received October 13, 2023; Sasse v. Jenkins, COPP-2023-CFP-019

The enclosed complaint alleges a violation of Montana election law. The complaint is accepted as conforming to the requirements of 44.11.106 ARM, the administrative rule regarding campaign complaints.

Upon review, I have determined that the allegation that certain material failed to include the 'paid for by' attribution message is merited. You will need to add full attribution messaging to all copies of this unattributed material 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.

**This attribution remedy needs to be provided to COPP no later than 8:00 AM Wednesday, October 18, 2023** (within 2 business days), as provided for under Mont. Code Ann. (MCA) §13-35-225(6)(a)(i). Failure to bring "material into compliance as required...is subject to a civil penalty pursuant to 13-37-218, MCA", MCA §13-35-225(6)(b). Any response you provide is a public record that COPP posts on our website, per MCA §13-37-132.

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.

Pursuant to MCA §13-37-132, I also request you provide a written response to the allegation pertaining to the reporting of expenditures by your campaign, specifically identifying or explaining the amount expended by yourself or your campaign to produce and display campaign signs such as the one noted in this complaint. This written response may appropriately be included with the attribution response requested above.

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, you have a duty to maintain all records currently in your possession because an investigation may indeed occur.

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, as noted above, 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, MCA §13-37-124. 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. Penalties, if any, are imposed based upon MCA §13-37-128 and or Title 45, if applicable.

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 MCA §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 MCA §45-7-207 (Tampering with or fabricating physical evidence). This Office may need to review documents connected to your activity during the prescribed period. Accordingly, MCA §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.

I appreciate your time and consideration of this important matter.

Regards,

/s/ Chris J. Gallus

Chris J. Gallus  
Commissioner of Political Practices

# 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.