





ENFORCEMENT
JAIME MACNAUGHTON


ROADMAP: WHERE WE ARE IN THE PROCESS

- A complaint was filed with the COPP.
 - The complaint was accepted.
 - An investigation of the allegation and surrounding facts was performed.
 - The Commissioner has issued a sufficiency decision, finding a violation of Montana's Campaign Finance and Practice Laws.
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ROADMAP: WHERE WE ARE GOING

- The Commissioner's decision is forwarded to the County Attorney, 13-37-124, Mont. Code. Ann. (2013).
 - The County Attorney has 30 days to initiate civil or criminal action, or to waive the right to prosecute, *id.*
 - Once the case is back with the Commissioner
 - Work with the parties to come to a settlement decision
 - File a complaint for civil or criminal prosecution, and proceed with the litigation.
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ROADMAP: ENFORCEMENT

- 6 cases lodged with the County Attorney's Office
 - 9 cases that are pending settlement discussions
 - 2 cases that are in the litigation phase
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LODGED WITH COUNTY ATTORNEY

- *Bonogofsky v. Kennedy*, decided 10/16/13
 - *Bonogofsky v. Western Tradition Partnership*, decided 10/16/13
 - *Bonogofsky v. National Gun Owners Alliance*, decided 10/16/13
 - *Bonogofsky v. Assembly Action Fund*, decided 10/16/13
 - *Bonogofsky v. Montana Citizens Right to Work*, decided 10/16/13
 - *Tuininga v. Bullock*, decided 10/18/13
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SETTLEMENT DISCUSSIONS

- *Washburn v. Murray*, decided 01/28/13
 - *Berry v. Fanning*, decided 04/23/13
 - *Vincent v. Vincent* and *Hendry v. Vincent*, decided 6/26/13
 - *Taylor v. Hale*, decided 6/26/13
 - *MacLaren v. MT Conservative Coalition PAC*, decided 7/09/13
 - *DeLorenzo v. Cate*, decided 07/15/13
 - *Baker v. Kids Education Yes*, decided 07/15/13
 - *Bixler v. Suprock*, decided 8/01/13
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CIVIL LITIGATION

- *Fox v. Molnar*
 - COPP decided 09/13/10, COPP-2012-CFP-0004
 - Montana District Court, Yellowstone County, Cause DV 10-1718
Affirmed COPP Decision 02/06/12
 - Montana Supreme Court, 2013 MT 132
Affirmed COPP Decision 05/14/13
 - Enforcement of Judgment
 - \$5,750 administrative penalty
 - \$14,945 partial reimbursement of costs
- *Bishop v. Miller for Gov.*, decided 06/20/12
- Settlement discussions have failed

REPRESENTATION OF THE COPP

- 1 case pending in the Montana District Court
- 2 cases pending with the US District Court of Montana
- 1 case pending with the 9th Circuit Court of Appeals

REPRESENTATION OF COPP

Montana District Court Actions

American Tradition Partnership, et al. v. Motl and Fox, 1st Judicial District Court, Lewis and Clark County, Cause No. BDV 2010-1120.

CPP's Motion for Summary Judgment on the 4 remaining claims for relief are fully briefed and a hearing on the Motions will be held November 12, 2013. Total civil penalty requested \$321,365.50.

REPRESENTATION OF COPP

U.S. District Court Actions

Rick Hill v. Motl, US District Court, Helena Division, 6:13-cv-00041-DLC-RKS.

Dismissed for lack of standing, on 10/18/13.

REPRESENTATION OF COPP

U.S. District Court Actions

LeFer v. Murry and State of Montana, USDC Billings Division, Cause No. CV-13-06-BLG-DWM .

It is the COPP's understanding that an appeal of Judge Molloy's Order dated 10/15/13 has been or will soon be filed to the 9th Circuit Court of Appeals.

REPRESENTATION OF COPP

9th Circuit Court of Appeals

Lair, et al. v. Murry and Bullock, 9th Cir., Nos. 12-35809, 12-35889.

Issue is whether Montana's campaign contribution limits for individuals, political committees and political parties are constitutional, 13-37-216, Mont. Code. Ann.

Proceedings are stayed pending the outcome of *McCutchen v. FEC*, (12-536) in the US Supreme Court. Oral arguments were heard on October 8, 2013, and a decision will be issued before the end of June 2014.

