

Commissioner of Political Practices  
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 Post Office Box 202401  
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COMMISSIONER OF POLITICAL PRACTICES

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## Campaign Finance and Practices

### Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

#### Person bringing complaint (Complainant):

Complete Name Anne Marie Quinn  
 Complete Mailing Address 8653 Bridger Canyon Rd  
Bozeman MT 59715  
 Phone Numbers: Work 406-539-7399 Home 406-539-7399

#### Person or organization against whom complaint is brought (Respondent):

Complete Name Bridger Canyon Fire Board Trustees Colleen Carnine, Peggy Foster, Denny Guentzel, and Bridger Canyon Former Trustees Mike Conn, Dave McKee  
 Complete Mailing Address 8180 Bridger Canyon Rd, Bozeman MT  
 Phone Numbers: Work 406-582-8630 (Carnine) Home 406-585-8367 (Foster)

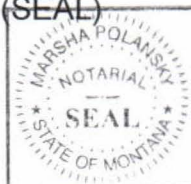
**Please complete the second page of this form and describe in detail the facts of the alleged violation.**

#### Verification by oath or affirmation

State of Montana, County of GALLATIN

I, ANNE MARIE QUINN, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Anne Marie Quinn  
 Signature of Complainant

(SEAL)  
 MARSHA POLANSKY  
 Notary Public  
 for the State of Montana  
 Residing at:  
 Bozeman, Montana  
 My Commission Expires:  
 August 08, 2017

Subscribed and sworn to before me this 11<sup>th</sup> day of  
June, 2014.

Marsha Polansky  
 Notary Public

My Commission Expires: 8/8/2017

**Statement of facts:**

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

PLEASE SEE ATTACHMENTS AND  
EXHIBITS B-D

**Complaints must be:**

- signed
- notarized
- delivered in person or by certified mail.

# **Campaign Finance and Practices Complaints against the Bridger Canyon Fire Board**

## **Background**

An effort to recall the Bridger Canyon Rural Fire Department Board of Trustees in Bozeman, Montana was launched in September 2013. The recall named Fire Board Chairman Mike Conn, and Trustees Colleen Carnine, Peggy Foster, Denny Guentzel and Dave McKee. Over 20% of voters in the District signed petitions qualifying the recall for the ballot. The Trustees responded by filing a lawsuit against Gallatin County to stop the recall vote. On January 27, 2014, Judge Holly Brown ruled that the language in the recall petition was not specific enough to be submitted to voters.

District residents immediately crafted more specific language and began a second recall effort. Within 10 days residents collected signatures to qualify for a recall ballot that was included with the regular ballot for the May 6, 2014 election. The regular ballot also included an election for two open seats on the Board of Trustees. Sitting Trustee Foster, although a subject of the recall, campaigned for reelection to the Board. Trustee Foster was re-elected by 17 votes. Fire Board Chairman Mike Conn was recalled by one vote. Trustee Carnine avoided recall by nine votes. During the time leading up to the recall, the Trustees engaged in numerous violations of Montana Code to oppose the recall and campaign for Foster's reelection.

## **Specific Details and Violations to Montana Code**

### **13-35-225. Election materials not to be anonymous**

NO RECALL signs posted on Trustee Foster's property, and on the property of at least four other locations along Highway 86 and Jackson Creek Road, and at the Fire Station, did not include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the campaign advertisement. Signs remained posted along highway 86 from early October 2013- May 2014, in violation of the Montana Department of Transportation 90 day rule for political signs.

Campaign signs supporting election of Trustee Peggy Foster and Jane Lerner posted along Hwy 86 in March - May 2014 also did not include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the campaign communication.

Paid advertisements ran multiple times in the Bozeman Chronicle without including the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication.

Direct Mailings sent via USPS by Dennis Guentzel and Dave McKee did not include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication.

There is no Exhibit A in this complaint. Exhibit B sets forth documentation with respect to violations of these provisions.

**13-35-213. Preventing public meetings of electors.** (1) A person who, by threats, intimidations, or violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions is guilty of a misdemeanor.

(2) A person who willfully disturbs or breaks up a public meeting of electors or others, lawfully being held for the purpose of considering public questions, or a public school meeting is guilty of a misdemeanor. (Exhibit C Letter read at the October 14, 2013 Fire Board meeting by District resident Mary-Martha Bahn, following the disruption of a meeting of recall supporters by Trustees Conn, McKee and cohorts.

On October 13, 2013, Trustees Conn, McKee and about 10-12 of their supporters positioned themselves in front of the main entrance to the Fire Department meeting room that had been reserved by District residents to discuss a recall of the Trustees. The group of Trustees and their cohorts set up NO RECALL signs (again without any indication of who paid for the signs) and a table and chairs in front of the entrance, creating a gauntlet to dissuade recall supporters from entering the building. Several residents who came to attend the meeting about the recall were obstructed and subjected to heckling by the crowd.

Trustee Conn and several of his cohorts entered the meeting and engaged in disruptive behavior. When asked politely to leave, they refused, and one uninvited Trustee supporter physically shoved one of the people who asked her to leave. After this incident, the Sheriff was called and the person who had assaulted the resident fled the scene before the Sheriff arrived. Neither Conn nor McKee made any attempt to stop their supporters from intimidating residents who were trying to attend the meeting. After the Sheriff left, Conn continued to engage in disruptive behavior, entering the meeting several times after having been asked to leave.

Documentation supporting this violation is attached hereto as Exhibit C.

**13-35-218. Coercion or undue influence of voters.** (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not: (a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or (b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person. .

Trustee Colleen Carmine directly threatened a District resident with violence and abused her oath of office by threatening to withhold emergency services from the resident and her husband. The resident's husband is a retired professional fire fighter who was active in the recall effort. He was a candidate for the Board of Trustees in the May 2014 election, although he lost by 17 votes. He is currently an applicant for the open seat that was vacated as a result of the successful recall of Trustee Conn.

Please See Exhibit D, Affidavit for documentation of this violation.

Exhibit B

Documentation of Violations of 13-35-225





Sign with no attribution on Trustee Foster's property

**ATTENTION!**  
**Bridger Canyon**  
**Residents**

**Know the truth!**

**Read the facts!**

Go to  
[www.supportourfireboard.org](http://www.supportourfireboard.org)



**NO RECALL!**

Example of Paid Advertisement in the Bozeman Chronicle with no attribution



Campaign sign with no attribution displayed for several weeks inside the fire station facilities



## Solicitation Letter approved by Trustee promises to keep campaign donations secret.

**From:** 'Dave McKee' <dmckee@zandur.com>;  
**Subject: RE: Letter of support for BCRFD Board of Trustees**  
**Date:** December 7, 2013 at 3:50:46 PM MST  
**To:** 'Valerie Gould' <vgould@littleappletech.com>;

Hi Val and Cam:  
You guys are great!! Really do appreciate all your support and help, although I am beginning to wonder why we are all putting ourselves through this thankless exercise!  
Best regards,  
Dave

Dave McKee

Home Office:  
1660 Moosepoint Rd  
Bozeman, MT 59715  
ph/fx. 406.556.0118

-----Original Message-----

**From:** Valerie Gould [mailto:vgould@littleappletech.com]  
**Sent:** Saturday, December 07, 2013 1:05 PM  
**To:** vgould@littleappletech.com  
**Subject:** Letter of support for BCRFD Board of Trustees

December 6, 2013

Dear Neighbors,

We are writing this note to you asking for your financial support for our Board of Trustees to fight the Recall Petition started by Lisa Daniels and the "so-called" safety coalition.

I have been informed by Mike Conn, BCRFD Trustee Chair, that the Trustees have received notification from Charlotte Mills, Clerk & Recorder for Gallatin County, that the recall petition has been turned into the Election Office and there were sufficient signatures to require a vote of the BCRFD district to recall all of our duly elected BCRFD Board of Trustees: Mike Conn, Colleen Carnine, Dave McKee, Denny Guentzel and Peggy Foster. This will cost the BCRFD about \$2,000.

The members of the trustees have been advised by legal counsel, Bill Hanson, to file an action for an injunction against the Gallatin County Election Office to have the recall petition declared invalid. Mr. Hanson has researched previous filings in Montana concerning recall petitions and in his professional opinion the reasons stated in this petition are too vague for Trustees to defend. In similar cases in the State of Montana the recall petitions have been thrown out as it violated the Montana Code. Mr. Hanson feels there is a very good chance that the BCRFD Board of Trustees will prevail on this issue.

The temporary restraining order was granted by District Court Judge Holly Brown on December 6, 2013. This effectively halts all actions concerning the recall until a court hearing can take place which is scheduled for Monday, January 27, 2014.

This course of action will, however, cost the BCRFD Board of Trustees personally as they have elected to do this personally. There is an outside chance that the fees could be reimbursed, but we are proceeding as if they won't be. The Trustees feel that they have no choice, but to contest this recall as the allegations are baseless and trumped up by the "so-called" safety coalition. Ultimately it is in the interest of BCRFD to move ahead with this course of action too as it would

save them money for a needless election vote. Our biggest concern if this goes unchallenged is: Would anyone in our community consent to serve on a future BCRFD Board of Trustees for fear of retaliation by a few disgruntled citizens?

I know I don't have to reiterate that these individuals, our Board of Trustees, have persevered through countless obstacles over the past year with the resignation of the BCRFD Ex Fire Chief and many of the BCRFD Firefighters. They have been sued by Carol Fifer, John Maloney and Patrick Stranahan. Judge Salavagni said in his decision for the BCRFD Board of Trustees that this board has done nothing wrong.

Again the nameless "safety coalition" filed criminal charges against the Board. They did this under a cloak of secrecy giving their address as that of the BCRFD Fire Station and the phone number of the BCRFD community room. Our BCRFD trustees have been taken to an interrogation

Many of you read their blog where they denigrated the BCRFD Trustees, community members that supported them and our current BCRFD Fire Fighters.

The so-called safety coalition will stop at nothing to reinstate Dan Astrom and the previous ex fire-fighters. A safety coalition member told me that we had to get a board that Dan would like. That is his goal. I asked him about the expense of a recall vote and the safety coalition member said, "Money is no object."

Dan Astrom, under oath, stated that he had problems with the BCRFD since 2008 – translation numerous BCRFD Board of Trustee members that he could not "get along with." The chances of getting a Board that would be to Dan's liking may be impossible. His reinstatement would only empower him. Ultimately he could try to stage another mass exodus of BCRFD firefighters. They abandoned the Canyon once and they might do it again. I don't believe our "fractured" community could withstand another one of Mr. Astrom's tantrums.

Giving the fire chief final approval of the BCRFD Board of Trustees is in direct violation of the Montana Code. ((MCA 7-33-2001 (3))

We must stop this recall effort now through litigation or through the election vote. To do these measures we will need donations from the community. We can't expect this BCRFD Board of Trustees to go it alone. We must help them.

Please join us in this endeavor and give generously.

Please send checks ASAP to:

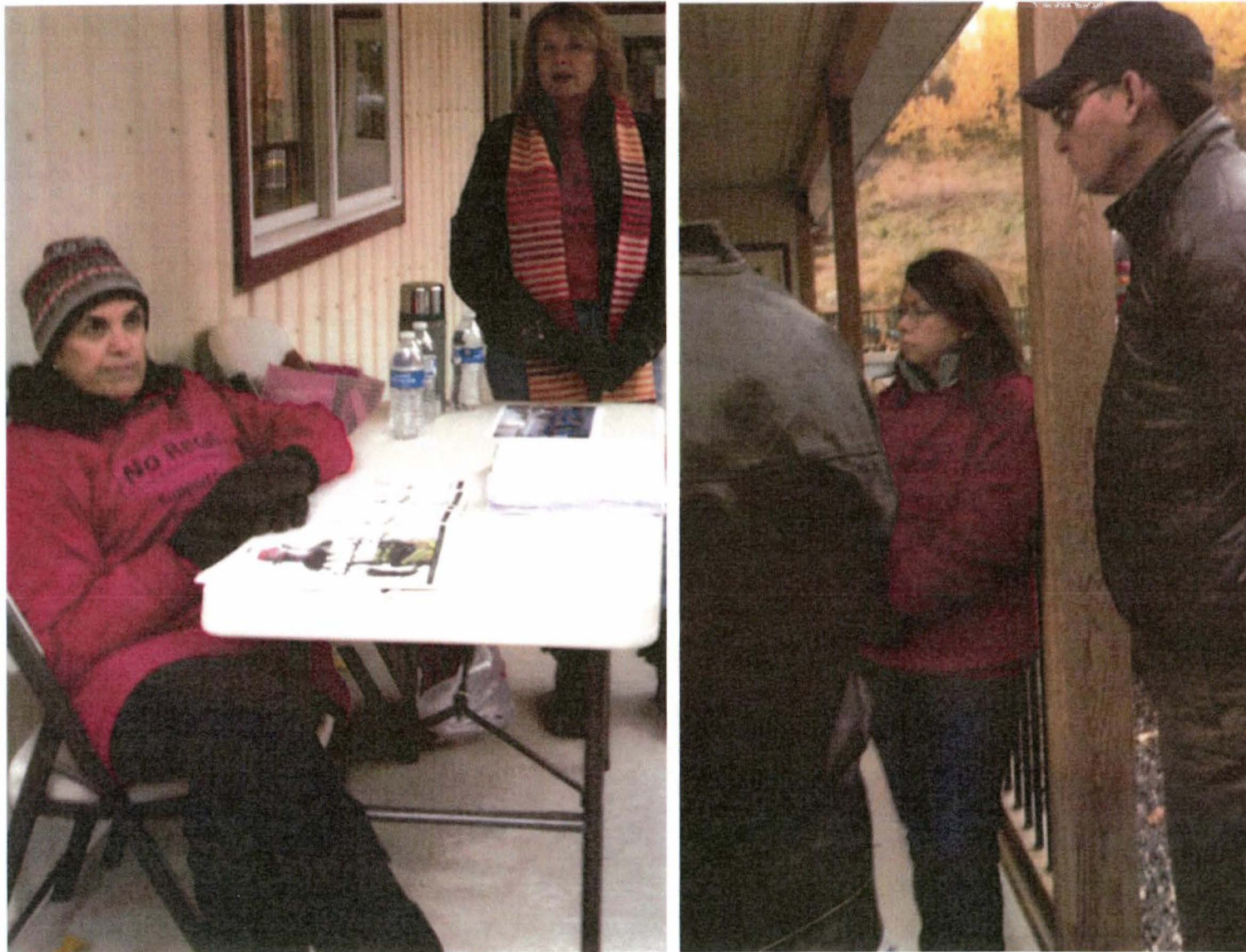
Bridger Canyon Fire Board Support Committee  
PO Box 716  
Bozeman, MT 59771

Our goal is \$10,000.00. Unused funds will be refunded accordingly. Your donation will be confidential.

Sincerely,

Cam and Valerie Gould

Exhibit C  
Documentation of Violations of MCA 13-35-213.



The first of the Fire Board supporters who assembled in the entrance to the meeting room where District residents were gathering to discuss a recall of the Trustees. After the meeting was underway, several troublemakers entered the meeting, including Trustee Mike Conn, and began causing a disturbance and harassing attendees. Meeting attendees had to call the Sheriff after one of the Trustee's cohorts physically shoved an attendee.



Trustee Conn attempts to avoid being photographed with his cohorts harassing residents who are attempting to enter the building to discuss a recall on Oct 13, 2013. When he saw the camera, he immediately turned his back and walked away, but returned a short time later, entered the building when he had no business inside. He refused to leave and caused a disturbance.

October 14, 2013

Board of Trustees

Bridger Canyon Rural Fire District

To The Board:

I recently reserved the Community Room of this fire station for a private, invitation only event to be held Sunday, October 13, 2013, in the afternoon. In the past, when individuals or groups have reserved this space, they have had access to the use of the entire facility, including the kitchen area and the utensils, plates, and other equipment contained therein.

While I was unable to be at the function, other members of the group hosting the event reported to me that, prior to Sunday, the Board, or some people presumably under the direction of the Board, arranged to lock the pantry and hide or remove utensils from the kitchen area. I say the Board, or people under the direction of the Board, because the Board controls use of the room, controls access to this room, and knows who is scheduled to use this room. Therefore, it could only be the Board who knew about, condoned, and/or arranged for these petty activities.

Further, I have attended many private functions in this space. Not once has a Board member who was not attending that function, made an appearance for any reason. However, yesterday, not one, but two Board members, who were not invited to this function, showed up, Mike Conn and Dave McKee. Mike Conn, you in particular were noted walking through the space, going in and out all the doors, slamming doors loudly after the Sheriff told you and your supporters to not re-enter the premises until the function was over. There was no reason for you to be in this space at that time. Your behavior was seen as threatening, intimidating and disruptive.

When the Community Room is reserved, it is unacceptable for Board Members and their supporters to block access to the Room as they did yesterday. This resulted in a disruptive and contentious atmosphere for residents who were simply trying to understand the recall process.

These behaviors are unacceptable and I am requesting a formal apology from this Board for their own personal behaviors, and for allowing their supporters to behave the way they did. These actions made it very clear that this Board and its supporters view this space as their own private country club. These are not the actions of a Board that is committed to representing all residents of this canyon.

Mary-Martha Bahn

3185 Jackson Creek Rd

1  
2 **AFFIDAVIT OF JUDITH A. MALONEY**

3 COMES NOW Judith A. Maloney and on oath deposes and says:

4 1. I have personal knowledge of the following facts and, if called as a witness, I  
5 could and would testify competently to the following.

6 2. I currently reside in the Bridger Canyon District and have since 2009 becoming a  
7 MT resident in 2011.

8 3. I am a retired medical social worker, most recently Director of Social Services at  
9 Fairview Southdale Hospital, Edina, Minnesota from 1977 to 1991.

10 4. My husband, John Maloney, is a retired professional firefighter, and as such, he  
11 was active in the effort to recall the Fire Board Trustees. He was also a candidate in the May  
12 2014 election for Trustees.

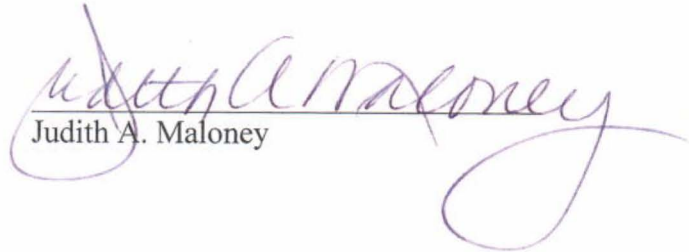
13 5. I personally have had an experience with direct retaliation and threats by a  
14 Trustee of the Bridger Canyon Fire Board. On January 2, 2014, I was walking into the main  
15 shopping area of Costco when I was approached by Colleen Carmine. She stated, "I hadn't  
16 wanted to approach you at the recent public functions, but I want you to know that you can  
17 make/serve all the cookies and other things you want and be nice to everyone, but you will never  
18 be accepted in this community. Everyone hates you." I asked how she would say that. Her  
19 response was, "everyone says that, EVERYONE! You and your husband will always be  
20 shunned." She then shook her finger at me and said, "The day will come, the day will come that  
21 you will need help, and it will be a cold day in hell before anyone will help you. You will both  
22 rot in hell." She walked away and repeated for whomever was walking by, "you'll rot in hell,  
23 Judi."



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I declare under penalty and perjury of the laws of the State of Montana that the foregoing is true and correct.

DATED this 20<sup>th</sup> day of May, 2014.

  
Judith A. Maloney