

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax : 406-444-1643
www.politicalpractices.mt.gov

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CERTIFIED MAIL

SIGNED/NOTARIZED

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 Harlan Wells
Complete Mailing Address 1617 Angelina Way
Missoula, MT 59808
Phone Numbers: Work 406 544 7240 Home 406 544 7240

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

Complete Name Matthew B. Lowy, Justice of the Peace Candidate
Complete Mailing Address PO Box 8333
Missoula, MT 59807
Phone Numbers: Work 406 258 4737 Home _____

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

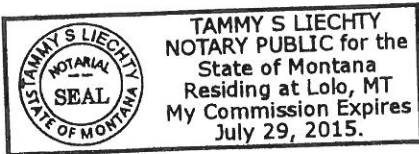
Verification by oath or affirmation

State of Montana, County of MISSOULA

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

(SEAL)

[Signature]
Signature of Complainant



Subscribed and sworn to before me this 27th day of October, 2014.

Tammy Liechty
Notary Public Tammy S. Liechty
Residing at Lolo, MT

My Commission Expires: July 29, 2015

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.

Contrary to the requirements of Montana Code Annotated 13-35-225, on Tuesday October 21st, 2014, candidate for Justice of the Peace Mathew Lowy, without announcement, adopted the use of "EthicsforMT@outlook.com" as a "stealth" email account for his campaign. The use of this "stealth" email account suggests a third party group was supporting Candidate Lowy and was engaging in electioneering for the benefit of his candidacy.

On the above mentioned date, EthicsforMT@outlook.com sent out a mass email to Missoula County attorneys. Without attribution the email included the findings of Williams v. Andersen No. COPP 2014-CFP-035, and the corresponding article in the Missoulian.

The next day, an email was sent from a different email account, lowy@matthewlowy.com, disclosing the affiliation. As this creates two degrees of separation from the original email, there still exists the potential for recipients to believe a third party group is supporting Candidate Lowy and is engaging in electioneering for the benefit of his candidacy.

I have included a copy of the email that was sent out by EthicsforMT@outlook.com and the disclosure email sent out after the fact by lowy@matthewlowy.com.

Complaints must be:

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



Harlan Wells <harlanwells@gmail.com>

FW: JP candidate Andersen violated campaign laws

Henry, Robert <RHenry@mt.gov>
To: "harlanwells@gmail.com" <harlanwells@gmail.com>

Fri, Oct 24, 2014 at 3:47 PM

From: MT Ethics [mailto:ethicsformt@outlook.com]
Sent: Tuesday, October 21, 2014 10:00 PM
To: ethicsforMT@outlook.com
Subject: JP candidate Andersen violated campaign laws

JP candidate Andersen violated campaign laws, commissioner rules

(http://missoulian.com/news/local/jp-candidate-andersen-violated-campaign-laws-commissioner-rules/article_df9529d6-563a-11e4-9f5c-47573fdab5b2.html?print=true&cid=print)

Missoula County Justice of the Peace candidate Marie Andersen violated several campaign finance laws by failing to report more than \$8,000 in expenditures, Montana Commissioner of Political Practices Jonathan Motl ruled Thursday.

Motl further found Andersen listed a false date of payment for the expenditures when she filed an out-of-cycle campaign finance report on Sept. 17 – nearly two weeks after a complaint was filed alleging the illegal actions.

Andersen, who provided a copy of Motl's findings to the Missoulian on Thursday evening, garnered the most votes in the June 3 primary, and will square off against Matt Lowy in the Nov. 4 general election.

"The lack of reporting meant that the public and opposing candidates could not appreciate the full scale of Candidate Andersen's actions and acted/voted without that information," Motl wrote in his ruling.

The decision listed three separate expenditures totaling \$8,211.82 that were not properly reported. The first expenditure – \$5,083.45 to The Directory for mailing more than 16,000 fliers – was invoiced May 8 and paid by Andersen on June 19.

The second expenditure for the flier design was paid July 20 to Shane Cavaliere, but Motl argued the cost had to be known beforehand as the design was a precursor to layout, printing and mailing.

A third expenditure for \$2,640.87 to Pyramid Printing was invoiced May 7 and paid May 30.

Andersen was unable to comment Friday morning about the violations, but in a news release later in the day apologized "for any confusion this may have caused voters."

"It appears reporting mistakes were made in the timing of an election expense report," she wrote. "My volunteers and I are not perfect. My bookkeeping volunteer has been in frequent contact with staff at the Office of Political Practices throughout the campaign and I can therefore say with 100 percent certitude that no one in the campaign, and that includes me, has deliberately misled anyone."

In a response to the initial complaint, she provided a letter detailing her campaign's finances to the Missoulian in September. In that document, she claimed she paid for the expenditures Aug. 13 and Sept. 8 and reported the expenditures in an updated campaign finance report Sept. 17.

According to Motl's ruling, those dates are fabricated and Montana law requires her to report the unpaid costs as debt on May 22, prior to the primary election.

In the May 22 report and a second post-primary report filed June 20, Andersen reported only about \$2,000 in spending. Motl called that report "disingenuous," adding that Andersen disguised her campaign as low-budget.

"In fact, Candidate Andersen engaged in a self-funded, large-scale direct mail primary election campaign that should have been, but was not, reported on her pre-election campaign finance report," he wrote. "The pre-primary direct mail campaign was sophisticated, not accidental, as it was timed to drop immediately after absentee ballots went out."

Motl also commented on Datsopoulos, MacDonald & Lind P.C.'s involvement in Andersen's campaign, even though the complaint didn't mention the law firm. The Datsopoulos law firm also recently was found at fault for its support of T.J. McDermott in his bid for Missoula County sheriff. It supported Andersen in a similar fashion by hosting campaign events, which Andersen didn't report as in-kind donations.

Noting the findings already made in Andersen's complaint were so "significant on their own that additional violations will not substantially increase the social debt consequences," Motl commented that if the law firm continues to act together to support a candidate, it must register as a political committee.

He added that he was referring the case to the Lewis and Clark County attorney for civil prosecution. If the county attorney passes on prosecution, which is likely, the violations could be resolved with a payment of a fine, or worse.

"Without some explanation or justification this Matter remains so serious that it cannot settle but will need to progress to a Court for determination of the consequences of the violations, including possible removal from elected office," Motl wrote.

In her news release, Andersen said she would work with Motl to "remedy the situation as quickly as possible."

"I am ultimately responsible for the reporting errors that have occurred and will do whatever is necessary to rectify mistakes," she wrote.



Williams v. Andersen Decision.pdf

1048K



Harlan Wells <harlanwells@gmail.com>

Fw: sorry for the error

Henry, Robert <RHenry@mt.gov>
To: "harlanwells@gmail.com" <harlanwells@gmail.com>

Fri, Oct 24, 2014 at 3:48 PM

From: Matthew B. Lowy, Justice of the Peace Candidate [mailto:lowy@matthewlowy.com]
Sent: Wednesday, October 22, 2014 11:39 PM
To: EthicsforMt@outlook.com
Subject: sorry for the error

Last night my campaign sent an e-mail from EthicsforMt@outlook.com without the following disclaimer:

Paid for by Friends of Matthew B. Lowy, Justice of the Peace *Candidate*
P.O. Box 8333
Missoula, MT 59807
Ret. Justice of the Peace John Odlin, Treasurer

Please accept my apology for this inadvertent omission.

Regards,

Matt Lowy

Matthew Lowy, Justice of the Peace Candidate

Child Welfare Law Specialist (NACC)

Justice of the Peace John Odlin, Treasurer

P.O. Box 8333

Missoula, MT 59807

www.matthewlowy.com

DONATE at: <http://tinyurl.com/lSy7qbe>

