

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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January 28, 2014

Senator Dee Brown
Chairperson
State Administration and Veterans' Affairs Interim Committee
PO Box 201706
Helena, MT 59620-1706

Dear Senator Brown:

I write to supplement my letter of January 17, 2014. I do at the request of Sheri Scurr who suggested that I provide my detail as the functions performed by the staff of the Office, doing by focus on time spent in compliance (audits), complaints, and general office function. I have done so below on a person-by-person basis.

Mary Baker

Mary Baker is program supervisor for the Commissioner's Office. Baker has worked for the Office for 12 years. Based on that experience Baker will perform a 20 day audit on 155 ballot/incidental campaigns and 5 statewide candidate campaigns for a total of 2400 report audits (160 candidates/committees with 15 reports each) in 2014. On an annual basis, Baker's time is spent as follows: direct audit time (30%); indirect audit time including education and phone work (20%); implementation of campaign electronic reporting system (25%); complaint monitoring and Decision editing (5%); lobbying, ethics, SAVA and other issues (5%); and office administration of every sort imaginable (15%). Baker spends 4.5% (15% of 30%) of her time spent on minor compliance auditing work connected with 20 day audits.

Kym Trujillo

Kym Trujillo is the program and data technician for the Commissioner's Office. Trujillo has worked for the Office for 7 years. Based on that experience Trujillo will perform a 20 day audit on 330 district candidate campaigns as well as 275 county candidate campaigns for a total of 1815 report audits (3 reports each) in 2014. The time spent on audits is packed into short periods so, on an annual basis, Trujillo's time is spent as follows: direct audit time (40%); indirect audit time including education and phone work (20%); implementation of campaign electronic reporting system (25%); website maintenance (5%) and data entry from reports (10%). Trujillo spends 6% (15% of 40%) of her time on minor compliance auditing work connected with 20 day audits.

Karen Musgrave

Karen Musgrave is the program assistant for the Commissioner's Office. Musgrave has worked for the Office for 4 years. Based on that experience Musgrave will perform a 20 day audit on 266 political (143)/party (123) committees for a total of 1330 report audits (5 reports each) in 2014. The time spent on audits is packed into short periods so, an annual basis, Musgrave's time is spent as follows: direct audit time (30%); indirect audit time including education, scanning and phone work (30%); filing/organization of candidate and committee registration/reporting forms (30%); document retention (10%). Musgrave spends 4.5% (15% of 30%) of her time spent on minor compliance auditing work connected with 20 day audits.

Jonathan Motl

Jonathan Motl is Commissioner and also serves in a staff attorney role. Motl has worked as Commissioner/attorney for 8 months. As staff attorney Motl drafted 44 campaign practice Decisions, along with 2 ethic dismissals, 1 ethics opinion, 5 advisory opinions and 1 declaratory ruling. As Commissioner, Motl reviewed all comments on drafts, adjusted each Decision to accommodate comments, signed each Decision and handled the presentation, when necessary, of the Decision to the public. Motl's time is spent as follows: Decision drafting (50%); Decision editing, signing, and discussing (20%); Advisory Opinions, settlements, ethics issues, litigation review, SAVA work, minor issue response (20%); staff work, office work, administrative tasks (10%). Motl has spent 0% of his time on minor compliance auditing work.

Jaime MacNaughton

Jamie MacNaughton is legal counsel to the Commissioner's Office. MacNaughton has served in that role for 5 months. Of the 44 Motl-era Decisions issued by the Commissioner, 33 have found sufficient facts to show a campaign practice violation. MacNaughton has: resolved 10 with signed settlement agreements with \$7,720 in fines; advanced 2 Decisions to litigation; and has 21 Decisions in or pending settlement discussions. MacNaughton's time is spent as follows: Settlement writing and negotiations (40%); litigation (30%); Decision editing, general legal advice (25%) and policy review (5%). MacNaughton has spent 0% of her time on minor compliance auditing work.

Vanessa Sanddal

Vanessa Sanddal is investigator and legal administrator for the Commissioner's Office. Sanddal has served in that role for 2 months. Sanddal has opened 5 complaints; completed investigations on 6 complaints and edited 3 Decisions for publication. Sanddal's time is spent as follows: Open, investigate, and maintain administration of complaints (60%); edit and handle publication/release of Decision (10%); prepare document base for complaints/litigation and respond to requests for information (30%). Sanddal has spent 0% of her time on minor compliance auditing work.

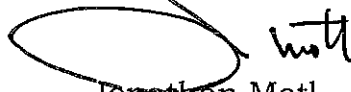
Jim Scheier

Jim Scheier is the assistant attorney general assigned for staffing to the Commissioner's office. In 2014 the Office will purchase 240 hours of Scheier's time (at \$95.50 per hour) for a total of about \$24,000. Scheier reviews each draft Decision and draft advisory opinion for substance and precedent. Any other policy or position of importance is also provided in draft form to Scheier for his input and review. Scheier spends 0% of his time on minor compliance auditing work.

The Office uses overtime, comp time, job cooperation, and collegiality to handle the irregular time demands coming from bursts of work associated with deadlines imposed by 20 day audits and complaint filing. The Office has several current major responsibilities that remain unstaffed including 120 day audits, full audit of lobbyist reports, and administrative rule updates. In addition, the Office's current level and scope of activity leaves it understaffed in

three areas: support staff (currently none); in-office IT staff (currently none); and, staff attorney (currently 1 with Commissioner filling the role of an additional attorney).

Sincerely,

A handwritten signature in black ink, appearing to read 'motl', is written over a large, hand-drawn oval scribble.

Jonathan Motl
Commissioner of Political Practices
State of Montana