

**COMMISSIONER OF POLITICAL PRACTICES**

EXHIBIT 9  
 DATE 1/26/05  
 HB 12

**MISSION STATEMENT**

To monitor and to enforce, in a fair and impartial manner, campaign practices and campaign finance disclosure; lobbying disclosure; business interest disclosure of statewide and state district candidates, elected state officials, and state department directors; ethical standards of conduct for legislators, public officers, and state employees; and to investigate legitimate complaints that arise concerning any of the foregoing.

**HISTORY**

1975	<i>Office of Commissioner of Campaign Finance &amp; Practices: established for full disclosure and reporting of the sources and disposition of funds used to influence elections in Montana</i>	Commissioner: <b>John H. Hanson</b>
1976		
1977		
1978		
1979		
1980		
1981	<i>Additional responsibilities added to Office of Commissioner of Political Practices: both lobbying disclosure and disclosure of business interests of elected officials</i>	Commissioner: <b>Peg Krivec</b>
1982		
1983		
1984		
1985		
1986		
1987		Commissioner: <b>Dolores Colburg</b>
1988		
1989		
1990		
1991		
1992		
1993	<i>Code of Ethics enacted: responsibility added for the administration of ethical standards of conduct for legislators, public officers, and state employees</i>	Commissioner: <b>Ed Argenbright</b>
1994		
1995		
1996		
1997		
1998		
1999		Commissioner: <b>Linda Vaughey</b>
2000		
2001		
2002		
2003		
2004		
2005		Commissioner: <b>Gordon Higgins</b>
2006		
2007		
2008		
2009		
2010		

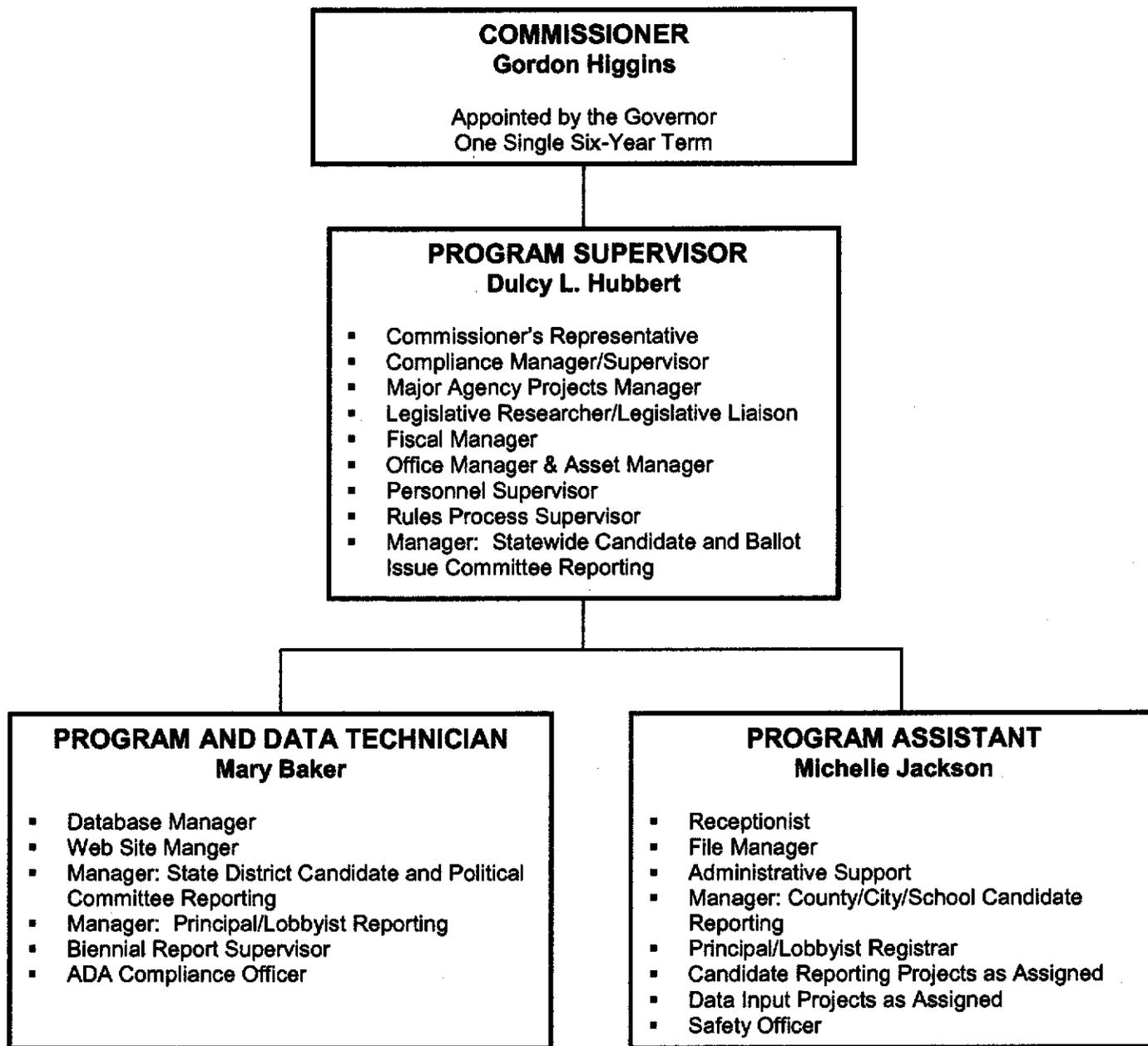
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**Commissioner of Political Practices:**

- o is appointed by the governor, confirmed by a majority of the senate
- o has one single six (6) year term and is ineligible to serve again as commissioner
- o is precluded from being a candidate for public office for a period of five (5) years after leaving position

# COMMISSIONER OF POLITICAL PRACTICES

## Organizational Chart Revised January 3, 2005



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Personal Services Budget	\$ 191,538.00
Operating Budget	<u>\$ 127,098.00</u>
Total FY 05 Budget:	<u>\$ 318,636.00</u>
Biennial Audit Appropriation:	<u>\$ 5,258.00</u>

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**COMMISSIONER OF POLITICAL PRACTICES**

**APPOINTED BY GOVERNOR**  
To One Single Six-Year Term  
↓  
**CONFIRMED BY STATE SENATE**

**RESPONSIBILITIES**

**ETHICS  
LAWS**

Public Officers  
Legislators  
Public Employees

**CAMPAIGN FINANCE  
& PRACTICES  
LAWS**

Statewide, State District, & Local  
Ballot Issue Committees  
Statewide Candidates  
State District Candidates  
County Government Candidates  
City Government Candidates  
School District Candidates  
Political Party Committees  
Political Action Committees

**LOBBYING  
LAWS**

Principals  
(Lobbyists' Employers)  
Lobbyists

## **Commissioner of Political Practices Legal Expenditure Activity**

### **FY 2002:**

Department of Justice,  
Agency Legal Services:                   \$26,643

Outside Legal Counsel,  
G. Steven Brown:                         \$46,537

### **FY 2003:**

Department of Justice,  
Agency Legal Services:                   \$66,760

Outside Legal Counsel,  
G. Steven Brown:                         \$29,691

### **FY 2004:**

Department of Justice,  
Agency Legal Services:                   \$61,438

Outside Legal Counsel,  
G. Steven Brown:                         \$22,686

### **FY 2005 (through December 2004):**

Department of Justice,  
Agency Legal Services:                   \$15,867

Outside Legal Counsel,  
G. Steven Brown:                         \$ 5,857

It is very difficult to predict legal costs for this agency since we have no way of knowing the tenor of upcoming elections or how many official complaints may be filed. There is no historical consistency regarding officially filed complaints.

The agency uses legal services provided by Department of Justice, Agency Legal Services, whenever possible, however, there is a need for outside legal services. ALS is not available to handle all of the complaints filed with agency due to workload and potential conflict of interest issues.

<b>FY 2004 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	<b>Through Dec. 2004</b>
<b>AGENCY LEGAL SERVICES BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$5,279.38
Close v. McCrone:	\$1.37
Close v. People for Responsive Govt. & Sunny McGee (PRG-2 - Sunny McGee):	\$421.04
Doty v. Molnar (T00.05-038):	\$201.04
Doty v. Molnar & Olsen (T00.05-039):	\$222.58
DeGroot v. Harris:	\$114.88
Lewis & Clark Republican Central Committee v. Schweitzer (T00.05-040):	\$28.72
Little v. Progressive Missoula & Handler:	\$2,118.76
Lobby Penalty Hearings:	\$0.00
Molnar v. Doty (T00.05-033):	\$150.78
Montanans for Families & Fairness v. Canyon Ferry Road Baptist Church:	\$258.48
Mottl v. Citizens for More Responsive Government et al (Smoking):	\$280.02
Rice v. Feise:	\$2,279.36
Peifer v. School District 2 Parents, Taxpayers & Voters (Barland, Greg):	\$1,557.50
PRG v. Close, Frost & Others (T00-03-126):	\$1,449.76
Seward v. Andrick:	\$1,410.06
Sinrud v. Schweitzer (T00.05-030):	\$35.90
Sinrud v. Schweitzer (2) (T00.05-031):	\$43.08
Carl, Fred (T00.05-046):	\$14.36
<b>TOTAL ALS GENERAL LEGAL FEES:</b>	<b>\$5,279.38</b>
<b>TOTAL ALS MAJOR LEGAL FEES:</b>	<b>\$10,587.69</b>
<b>TOTAL ALS BILLING TO-DATE:</b>	<b>\$15,867.07</b>
<b>FY 2005 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>STEVE BROWN BILLING:</b>	<b>TOTAL</b>
<b>CASE NAME:</b>	
General:	\$2,846.98
Close v. McCrone:	\$436.50
Frasier v. Simonich/Charlton (Ethics):	\$126.00
Lewis & Clark Republican Central Committee v. Schweitzer:	
Little v. Progressive Missoula & Handler:	\$279.00
Molnar vs Doty:	\$90.00
Seher & Tracy for Congress v. Galt:	\$2,079.00
Sinrud vs Schweitzer:	\$0.00
Sinrud vs Schweitzer (2):	\$0.00
<b>TOTAL GENERAL LEGAL FEES:</b>	<b>\$2,846.98</b>
<b>TOTAL MAJOR LEGAL FEES:</b>	<b>\$3,010.50</b>
<b>TOTAL STEVE BROWN TO-DATE:</b>	<b>\$5,857.48</b>

<b>FY 2004 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>AGENCY LEGAL SERVICES BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$19,609.83
Close v. McCrone:	\$108.06
Close v. People for Responsible Government & Gallatin Tavern Assn.	\$1.90
Close v. People for Responsive Govt. & Sunny McGee (PRG-2 - Sunny McGee):	\$70.16
Curtiss v. Benefield:	\$814.00
Harris v. Fox:	\$28.35
Hutchin v. Ladner:	\$3,173.92
Hutchin v. Ladner (Ethics):	\$35.90
Hutchin v. Young:	\$3,066.80
Hutchin v. Young (Ethics):	\$57.44
Jellison v. On Time Taxpayers:	\$21.54
Little v. Progressive Missoula & Handler:	\$12,022.88
Lobby Penalty Hearings:	\$3,226.40
Mentzer v. Darby Public School:	\$43.08
Montanans for Families & Fairness v. Canyon Ferry Road Baptist Church:	\$272.84
Motl v. Citizens for More Responsive Government et al (Smoking):	\$4,573.86
Pelfer v. School District 2 Parents, Taxpayers & Voters (Barland, Greg):	\$1,269.49
Perwell v. Committee for Cost Effective Public Safety, Alexander & Copenhagen:	\$79.76
PRG v. Close, Frost & Others (TOO-03-128):	\$1,620.01
Rice v. Feiss:	\$258.70
Schmidt v. Blossom:	\$10,988.91
Seward v. Andrick:	\$57.44
Wilhoft & McDaniel v. Cooney:	\$50.26
<b>TOTAL ALS GENERAL LEGAL FEES:</b>	<b>\$19,609.83</b>
<b>TOTAL ALS MAJOR LEGAL FEES:</b>	<b>\$41,828.50</b>
<b>TOTAL ALS BILLING TO-DATE:</b>	<b>\$61,438.33</b>
<b>FY 2004 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>STEVE BROWN BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$6,864.31
Davison (Crockett) v. Brown (Ethics):	\$7,164.00
Galt v. Davison & Mihalic:	\$6,120.00
Griffin v. MONTPIRG:	\$108.00
Harris v. Fox:	\$36.00
Montanans for Families & Fairness v. Canyon Ferry Road Baptist Church:	\$162.00
Motl v. Citizens for a More Responsive Government (CMRG):	\$136.00
Motl v. Citizens for More Responsive Government et al (Smoking):	\$27.00
Seher & Tracy for Congress v. Dave Galt (Ethics):	\$63.00
Wilhoft & McDaniel v. Cooney:	\$2,007.00
<b>TOTAL GENERAL LEGAL FEES:</b>	<b>\$6,864.31</b>
<b>TOTAL MAJOR LEGAL FEES:</b>	<b>\$15,822.00</b>
<b>TOTAL STEVE BROWN TO-DATE:</b>	<b>\$22,686.31</b>

<b>FY 2003 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>AGENCY LEGAL SERVICES BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$22,797.84
Close v. Cetraro:	\$3.11
Close v. People for Responsible Government & Gallatin Tavern Assn. (1):	\$1,874.56
Close v. People for Responsible Government & Gallatin Tavern Assn. (2):	\$1,874.56
Curtis v. Benefield:	\$1,539.80
Friede v. Rice & Hill County Republican Central Committee:	\$492.30
Griffin v. MONTPIRG:	\$770.00
Hanes v. Blanco:	\$954.76
Hanes v. Blanco, Owen, Cyphers, Lockwood Crier News, DJC. Inc.:	\$1,475.63
Harris v. Fox:	\$3,714.47
Hutchin v. Ladner:	\$573.60
Hutchin v. Young:	\$668.60
Jellison v. On Time Taxpayers	\$2,888.29
McAllister & Beede v. Gardiner School Districts Nos. 4 & 7 and others:	\$3,405.59
McAllister & Beede v. Gardiner School Districts Nos. 4 & 7 and others (2):	\$7,296.91
Metzmaker v. Citizens for an Informed Public:	\$11,039.01
Pelfer v. School District 2 Parents, Taxpayers, and Voters (Barland, Greg):	\$105.00
Penwell v. Cmte. for Cost Effective Public Safety, Alexander & Copenhagen:	\$323.00
PRG v. Closs, Frost & Others:	\$21.00
Rogers v. Roberts:	\$3,570.90
Schmidt v. Blossom:	\$1,136.40
Wilhoft & McDaniel v. Cooney:	\$634.80
<b>TOTAL ALS GENERAL LEGAL FEES:</b>	<b>\$22,797.84</b>
<b>TOTAL ALS MAJOR LEGAL FEES:</b>	<b>\$43,962.29</b>
<b>TOTAL ALS BILLING TO-DATE:</b>	<b>\$66,760.13</b>
<b>FY 2003 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>STEVE BROWN BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$15,720.30
Griffin v. MONTPIRG:	\$8,882.60
Little v. Progressive Missoula & Handler:	\$4,133.95
Metzmaker v. Citizens for an Informed Public:	\$180.00
Motl v. Citizens for More Responsive Government et al (Smoking):	\$90.00
Motl v. Citizens for a More Responsive Government (CMRG):	\$684.00
<b>TOTAL GENERAL LEGAL FEES:</b>	<b>\$15,720.30</b>
<b>TOTAL MAJOR LEGAL FEES:</b>	<b>\$13,970.55</b>
<b>TOTAL STEVE BROWN TO-DATE:</b>	<b>\$29,690.85</b>

<b>FY 2002 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>AGENCY LEGAL SERVICES BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$14,777.48
Allied Citizens for Health Care v. Blue Cross Blue Shield of Montana (Lobbying):	\$35.00
Close v. Cetraro:	\$2,290.45
Close v. People for Responsible Government & Gallatin Tavern Assn. (1):	\$4,488.39
Close v. People for Responsible Government & Gallatin Tavern Assn. (2):	\$344.28
Friede v. Rice & Hill County Republican Central Committee:	\$388.87
Hanes v. Bianco:	\$175.00
McAlliser & Beede v. Gardiner School Districts Nos. 4 & & and others:	\$154.00
McAlliser & Beede v. Gardiner School Districts Nos. 4 & & and others (2):	\$35.00
Metzmaker v. Citizens for an Informed Public:	\$663.61
Michels v. Nelson:	\$345.40
Moti v. Citizens for More Responsive Government et al:	\$2,848.24
Peck v. Finkes:	\$83.00
Penwell v. Cmte. For Cost Effective Public Safety, Alexander & Copenhagen:	\$35.00
Wilhoft & McDaniel v. Cooney:	\$14.00
Wilhoft & McDaniel v. Cooney (Ethics):	\$7.00
<b>TOTAL ALS GENERAL LEGAL FEES:</b>	<b>\$14,777.48</b>
<b>TOTAL ALS MAJOR LEGAL FEES:</b>	<b>\$11,865.44</b>
<b>TOTAL ALS BILLING TO-DATE:</b>	<b>\$26,642.92</b>
<b>FY 2002 LEGAL EXPENSE BREAKDOWN BY CASE/COMPLAINT</b>	
<b>STEVE BROWN BILLING:</b>	<b>TTL-TO-DATE</b>
<b>CASE NAME:</b>	
General:	\$21,997.33
Griffin v. MONTPIRG:	\$23,171.92
Little v. Progressive Missoula & Handler:	\$587.00
Montana Common Cause v. Montana Chamber of Commerce:	\$0.00
Montana Democratic Party v. Martz (Ethics):	\$72.00
Moti v. Citizens for More Responsive Government et al (Smoking):	\$729.00
Moti v. Citizens for More Responsive Government (CMRG):	\$927.00
<b>TOTAL GENERAL LEGAL FEES:</b>	<b>\$21,997.33</b>
<b>TOTAL MAJOR LEGAL FEES:</b>	<b>\$24,539.92</b>
<b>TOTAL STEVE BROWN TO-DATE:</b>	<b>\$46,537.25</b>