

Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: Complaint against Rob Quist for Montana, Rob Quist, and Unknown Agents of the Quist Campaign (collectively, "Quist Committee"), Steven Gnam, Tom Murphy, and Brian Schott, Rick Bass, Sandra Alcosser, Marc Beaudin, David Brooks, James Lee Burke, Kevin Canty, Russell Chatham, Nancy S. Cook, Seabring Davis, Chris Dombrowski, David James Duncan, Cristina Eisenberg, Tess Fahlgren, Amanda Fortini, Jessie Grossman, Tami Haaland, Max Hjortsberg, Matt Holloway, Lowell Jaeger, Allen Morris Jones, Greg Keeler, Walter Kirn, Tim Linehan, Ben Long, Tom McGuane, Scott McMillion, Miles Nolte, Andrea Peacock, Doug Peacock, David Quammen, Shann Ray, Russell Rowland, Brian Schott, Robert Stubblefield, Todd Tanner, Toby Thompson, Carter G. Walker, Alan Weltzien, Richard Wheeler, Todd Wilkinson, Louisa Willcox, Pat Williams (collectively, "Writers and Photographers"), and Albert W Lindler, Allen Jones, Amy Robinson, Andrew Harper, Anne Colston Wentz, MD, Bill and Colette Berg, Bob Schleicher, Brady Banks, Brian & Lyndsay Schott, Cindy Owings, Cristina Perachio, Dan Sullivan, Diane Conradi, Dwight and Lois Short, Elise Atchison, Erick & Jen Robbins, Helen Graves & Malcolm Sturchio, James Lee Burke, Jen Elden, Jennifer Edstrom, Jessie Grossman, John Sveen, Jolene Brink, Judith C. Melzer, Keith Kratzer, Kipp Wessel, Larry Evans, Leslie A Hayes, Linda Howard, Maggie Anderson, Mar Sheehy Moe, Mark Albrecht, Mark Schulein, Mary Person, Matt & Corrie Holloway, Matt Dusek, Max Hjortsberg, Michael Keaton, Mike Johnson, Miles Nolte, Monica Pastor, Pat Williams, Peter Picard, Rebecca Norton, Rick Bass, Ryan Friel, Scott Dreher, Scott McMillion, Seabring Davis, Tara Morrison, Toby Thompson, Torsten Pieper, Walker Kimberly, Walt and Ruth Weissman, Will Haines, (identified and collectively referred to hereafter as "Sponsors").

To the Commission:

Pursuant to 52 U.S.C. §30109 and 11 C.F.R. § 111.4, Joe Dooling files this Complaint against the following Respondents:

Rob Quist for Montana, Rob Quist, and Unknown Agents of the Quist Campaign (collectively, "Quist Committee"), Steven Gnam, Tom Murphy, and Brian Schott, Rick Bass, Sandra Alcosser, Marc Beaudin, David Brooks, James Lee Burke, Kevin Canty, Russell Chatham, Nancy S. Cook, Seabring Davis, Chris Dombrowski, David James Duncan, Cristina Eisenberg, Tess Fahlgren, Amanda Fortini, Jessie Grossman, Tami Haaland, Max Hjortsberg, Matt Holloway, Lowell Jaeger, Allen Morris Jones, Greg Keeler, Walter Kirn, Tim Linehan, Ben Long, Tom McGuane, Scott McMillion, Miles Nolte, Andrea Peacock, Doug Peacock, David Quammen, Shann Ray, Russell Rowland, Brian Schott, Robert Stubblefield, Todd Tanner, Toby Thompson, Carter G. Walker, Alan Weltzien, Richard Wheeler, Todd Wilkinson, Louisa Willcox, Pat Williams (collectively, "Writers and Photographers"), and Albert W Lindler, Allen Jones, Amy

Robinson, Andrew Harper, Anne Colston Wentz, MD, Bill and Colette Berg, Bob Schleicher, Brady Banks, Brian & Lyndsay Schott, Cindy Owings, Cristina Perachio, Dan Sullivan, Diane Conradi, Dwight and Lois Short, Elise Atchison, Erick & Jen Robbins, Helen Graves & Malcolm Sturchio, James Lee Burke, Jen Elden, Jennifer Edstrom, Jessie Grossman, John Sveen, Jolene Brink, Judith C. Melzer, Keith Kratzer, Kipp Wessel, Larry Evans, Leslie A Hayes, Linda Howard, Maggie Anderson, Mar Sheehy Moe, Mark Albrecht, Mark Schulein, Mary Person, Matt & Corrie Holloway, Matt Dusek, Max Hjortsberg, Michael Keaton, Mike Johnson, Miles Nolte, Monica Pastor, Pat Williams, Peter Picard, Rebecca Norton, Rick Bass, Ryan Friel, Scott Dreher, Scott McMillion, Seabring Davis, Tara Morrison, Toby Thompson, Torsten Pieper, Walker Kimberly, Walt and Ruth Weissman, Will Haines, (identified and collectively referred to hereafter as "Sponsors"), (collectively, "Respondents").

Complainant herein is Joe Dooling, Chairman of the Lewis & Clark County Republican Central Committee.

This complaint is filed against Respondents for multiple violations of the Federal Election Campaigns Act, Title 52 United States Code, Subtitle III, Chapter 301, Subchapter I ("the Act") and the regulations promulgated thereunder by the Federal Election Commission ("FEC").

The specific, multiple provisions of law violated by Respondents are detailed below.

Facts of the Violations.

On Saturday, May 20, 2017, an article appeared in the Bozeman Daily Chronicle online edition, which announced an advertising insert scheduled to appear in certain newspapers in the State of Montana, endorsing congressional candidate Rob Quist in the May 25, 2017 special election for the vacant US House of Representatives at-large seat. ("the Newspaper Insert") See http://www.bozemandailychronicle.com/news/politics/montana-writers-worried-about-public-lands-to-publish-pro-quist/article_4d9020e0-eff7-5d55-a8ff-84e8766be2ba.html (accessed May 22, 2017). ("the Article")

The Article identifies the following as the "Writers and Photographers" contributing to the 24 page paid insert, entitled "We Take Our Stand": Steven Gnam, Tom Murphy, and Brian Schott, Rick Bass, Sandra Alcosser, Marc Beaudin, David Brooks, James Lee Burke, Kevin Canty, Russell Chatham, Nancy S. Cook, Seabring Davis, Chris Dombrowski, David James Duncan, Cristina Eisenberg, Tess Fahlgren, Amanda Fortini, Jessie Grossman, Tami Haaland, Max Hjortsberg, Matt Holloway, Lowell Jaeger, Allen Morris Jones, Greg Keeler, Walter Kirn, Tim Linehan, Ben Long, Tom McGuane, Scott McMillion, Miles Nolte, Andrea Peacock, Doug Peacock, David Quammen, Shann Ray, Russell Rowland, Brian Schott, Robert Stubblefield, Todd Tanner, Toby Thompson, Carter G. Walker, Alan Weltzien, Richard Wheeler, Todd Wilkinson, Louisa Willcox, and Pat Williams. The Article does not indicate the value of

the items 'contributed' to the insert, the source of each item, and/or the payment for each of the contributed materials.

The Article links to a webpage, where the Newspaper Insert can be viewed digitally: <http://wetakourstand.org> .

The Article specifically identified Respondent Seibring Davis as the 'organizer' of the Newspaper Insert, and further quoted Mr. Davis stating that the determination of *where* to place the Newspaper Insert was determined through coordinated communications with the Quist campaign:

"The insert's distribution areas in southwest and northwest Montana are places, where, consulting with the Quist campaign, the group thought they were likely reach undecided voters, Davis said." (emphasis added)

The website linked from the article does not indicate the name of any committee or entity registered with the Federal Election Commission, nor does any disclaimer appear on the website with a permanent website or street address for the website, the Newspaper Insert or the sources of its funding and required information regarding the donors.

In addition, the website thanks the 'sponsors' listed above, but there is no listing or disclosure of the meaning of the term sponsor. Presumably, the individuals identified contributed to the \$10,000 costs of the Newspaper Insert, the website and other undisclosed costs related to the project. However, there have been no reports with the Federal Election Commission, disclosing the late contribution to the Quist Campaign, or an Independent Expenditure by the group funding the Newspaper Insert, nor any other of the filings and disclosures required under federal law for disbursements such as the Newspaper Insert.

Sponsor Respondents who made illegal anonymous contributions to the Quist Committee are Albert W Lindler, Allen Jones, Amy Robinson, Andrew Harper, Anne Colston Wentz, MD, Bill and Colette Berg, Bob Schleicher, Brady Banks, Brian & Lyndsay Schott, Cindy Owings, Cristina Perachio, Dan Sullivan, Diane Conradi, Dwight and Lois Short, Elise Atchison, Erick & Jen Robbins, Helen Graves & Malcolm Sturchio, James Lee Burke, Jen Elden, Jennifer Edstrom, Jessie Grossman, John Sveen, Jolene Brink, Judith C. Melzer, Keith Kratzer, Kipp Wessel, Larry Evans, Leslie A Hayes, Linda Howard, Maggie Anderson, Mar Sheehy Moe, Mark Albrecht, Mark Schulein, Mary Person, Matt & Corrie Holloway, Matt Dusek, Max Hjortsberg, Michael Keaton, Mike Johnson, Miles Nolte, Monica Pastor, Pat Williams, Peter Picard, Rebecca Norton, Rick Bass, Ryan Friel, Scott Dreher, Scott McMillion, Seibring Davis, Tara Morrison, Toby Thompson, Torsten Pieper, Walker Kimberly, Walt and Ruth Weissman, and Will Haines.

Accordingly, these Respondents have committed multiple violations of federal law, as detailed below.

Violations of Federal Law and Legal Authority

There are multiple violations of federal law committed by Respondents under the Facts described above.

1. Respondents' Actions with respect to the Newspaper Insert constitute coordinated public communications under federal law and triggered reporting to the FEC within 48 hours.

A coordinated public communication is one that is paid for by a third party (not the campaign or the candidate), 'made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee or a political party committee.' 11 C.F.R. §109.20(a). Respondents have clearly run afoul of the FEC's 'conduct standards' governing coordinated public communications. Consulting with the Quist campaign to determine where to target the Newspaper Inserts falls squarely within the regulations at 11 C.F.R. §109.21(d)(2), in which "Material Involvement" by a campaign or its agent with a third party to decide the "intended audience for the communication" or "the specific media outlet used for the communication", renders the Newspaper Insert a coordinated public communication, rather than an Independent Expenditure.

Because the Respondents coordinated the Newspaper Insert, the expenditure is an in-kind contribution to the Quist campaign and should have been reported by the Quist campaign within 48 hours of the disbursement of the first \$1,000 related to the Newspaper Insert. Further, the value of the in-kind contribution exceeds the contribution limits allowed under federal law. The Quist Committee Respondents are guilty of accepting an illegal, excessive contribution and the Writers and Photographers and Sponsors Respondents are guilty of making an illegal, excessive contribution to the Quist Committee.

A coordinated public communication constitutes an in-kind contribution to the Quist campaign, and should have been reported by the Quist campaign as a late contribution under 11 C.F.R. §1045(f). The Quist Committee's failure to report the \$10,000 contribution within 48 hours is a violation of federal law.

Further, the Respondents --all of them- have engaged in a coordinated effort to circumvent federal law and have exceeded the permissible limits on contributions to the Quist Committee. By coordinating the distribution of the public communication, the expenditure is a contribution subject to the hard dollar limits of \$2700 per election. Since the entity making the contribution has triggered federal political committee status (see Paragraph #3 below), the amount of the in-kind contribution is limited to \$2700, the

equivalent to the limit for individuals. This group does not qualify for multi-candidate status allowing for a \$5,000 contribution limit. But since the value of the in-kind contribution is \$10,000, the Respondents have well exceeded the permissible contribution limits under federal law. See 11 CFR s100.1

2. Writers and Photographers have not disclosed the value of their contributions to the Quist campaign nor has the reporting information required under federal law been obtained and reported as required under the regulations of the Federal Election Commission.

The Article references the “contributions” of the Writers and Photographers to the Newspaper Insert. However, there is no valuation of their direct or in-kind contributions, their names, addresses, employers and occupations, as required under federal law for all contributions and donors to federal campaigns (11 C.F.R. §104.7), nor is it disclosed whether any of the in-kind contributions were from prohibited sources such as corporations, LLC’s not taxed as partnerships, or other prohibited sources under federal law.

3. According to the Article, the Sponsors identified on the website donated \$10,000 and triggered the creation of a federal political committee which has not registered with or reported to the Federal Election Commission as required by federal law.

The website referenced in the Article expresses ‘thanks’ to the “Sponsors”, who presumably contributed to the costs of the website, and the Newspaper Insert, and other costs that are not identified, and which were estimated in the Article to be Ten Thousand Dollars (\$10,000.00). Those actions triggered federal political committee status requiring filing the committee with the Federal Election Commission, and reporting of all contributions aggregating over \$200 in an election cycle, together with the donor’s name, address, employer and occupation.

11 C.F.R. §100.5(a) provides that a “political committee” means any group meeting...the following conditions: “Any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year is a political committee.”

Clearly, this group of persons has raised and spent well more than \$1,000, thus triggering political committee status, requiring filing with the Federal Election Commission, reporting to the Federal Election Commission, and ensuring that all other requirements such as disclaimers, reporting, limits and prohibitions on accepting contributions from prohibited sources, such as corporations, are met, followed and adhered to by the committee.

The Sponsors, Writers and Photographers are in violation of multiple federal regulations: failure to register a political committee (11 C.F.R. §100.5); failure to report

contributions and donor information, including both direct and in-kind contributions (11 C.F.R. §104.8(a), 11 C.F.R. §104.13, 106.1(b)); failure to obtain and report donor employer and occupation information (11 C.F.R. §104.7); failure to obtain information to ensure notice of prohibited sources (11 C.F.R. §103.3(b)); failure to display disclaimers required for political committee advertising (11 C.F.R. §110.11 (b) and (c); and violation of other provisions of federal law governing express advocacy endorsement of a federal candidate, such as those appearing in the Newspaper Insert and on the website of the Respondents.

The Sponsors have utterly failed to comply with the federal campaign finance laws governing transparency and disclosure, to protect against the dark money from a shadowy group that fails to disclose to the public the sources, amounts, and identifying information from its donors. The regulations apply to all the Respondents, including the Quist Campaign, the Writers, Photographers, and the Sponsors. Every person who contributed either funds or in-kind services to the Newspaper Insert is subject to the disclosure provisions of federal law; yet, none have complied with the law.

4. Failure of the Respondent Sponsors, Writers and Photographers to File an Independent Expenditures Report with the Federal Election Commission constitutes a further violation of federal law.

The public communication contained in the Newspaper Insert should have been reported with the required information about the donors to that communication, in a filing by the Respondents within 24 hours of public dissemination of the Newspaper Insert and the digital version of the Newspaper Insert. See 11 C.F. R. §104.4(c); 104.5(g)(2); 109.10(d). However, no such filing was made by Respondents.

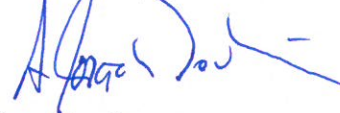
Conclusion

Upon information and belief, and based upon the facts set forth herein, Respondents, each of them, have violated the Federal Election Campaign Laws, Title 52 United States Code, Subtitle III, Chapter 301, Subchapter I ("the Act") and the regulations promulgated thereunder by the Federal Election Commission ("FEC"), specifically the regulations specified herein.

The public policy purpose of the Federal Election Campaign Laws is to ensure that citizens have knowledge of the sources and funding of campaign materials and communications. These Respondents, including the Quist campaign, have utterly, willfully and knowingly disregarded the provisions of federal law enacted to protect the public from dark money, shadowy and unaccountable organizations who disseminate campaign materials in the closing days before an election, without providing the legally required notice of the sources and amounts of the funds used to pay for such materials. Rob Quist, Quist for Congress and unknown agents of the Quist campaign were actively involved in these violations of federal law, and must be held accountable.

Please contact me if you have further questions.

Submitted,



Joe Dooling
3855 Cedar Valley Road
Helena, MT 59602
(406) 431-3510

Before me this 23 day of May, 2017, appeared Joe Dooling and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of his knowledge and belief.

SEAL


Notary Public

My Commission Expires: *February 12, 2019*

