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MAY 14 2008

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COMMISSIONER OF
POLITICAL PRACTICES

2008 MAY 15 A 9:15

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CERTIFIED MAIL

SIGNED/NOTARIZED

COMMISSIONER OF POLITICAL PRACTICES
 1205 Eighth Avenue
 Post Office Box 202401
 Helena, MT 59620-2401
 TELEPHONE: 406-444-2942
 FAX NUMBER: 406-444-1643
 WEBSITE: www.politicalpractices.mt.gov

ETHICS

COMPLAINT FORM (11/02)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME MARY Jo Fox c/o Tussing Campaign

COMPLETE MAILING ADDRESS P.O. Box 21274
Billings, MT 59104
(City, State, Zip)

TELEPHONE NUMBERS: WORK (406) 672-4801 HOME (406) 672-4801

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME Northwestern Energy, PPL Montana, Brad Molnar

COMPLETE MAILING ADDRESS PPL=303 N Broadway, Billings, MT 59101

NW Energy address: Butte, MT Molnar = P.O. Box 202601 Helena, MT 59620-2601
40 E Broadway St 59701
(City, State, Zip)

TELEPHONE NUMBERS: WORK Molnar = (406) 444-6199 ~~NW Energy = 888 467-2669~~
PPL = (406) 237-6900

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 Yellowstone

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

(SEAL)

Mary Jo Fox
Signature of Complainant

Subscribed and sworn to before me this 13th day of

May, 2008.

Larry L Hecht
Notary Public

My Commission Expires: 2/16/2012

STATEMENT OF FACTS:

Describe in detail the alleged violation(s), including pertinent dates, 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 additional pages for statement of facts.

Wampy Fox 5/14/08

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM
EXCEPT FOR VERIFICATION**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED TO THE COMMISSIONER IN PERSON OR BY CERTIFIED MAIL

Since filing as a candidate in March 2008 for the Montana Public Service Commission in District 2, Brad Molnar has gone door-to-door in his district using a brochure that was printed with funds provided by corporate and government entities.

PPL Montana + Brad Molnar

I am filing a complaint against Northwestern Energy, one of the corporate sponsors of the Molnar brochure. Under **MCA 13-35-227 (1)** A corporation may not make a contribution or an expenditure IN CONNECTION WITH A CANDIDATE or political committee that supports or opposes a candidate or political party.

Brad Molnar admitted to John Brewer of the Billings Chamber of Commerce and to Tom Lutey, a reporter for the Billings Gazette, that he has delivered corporate and government sponsored brochures door-to-door in Billings after having filed as a candidate for public office.

In the Billings Gazette article published May 8, 2008, Brad Molnar was reported to have said that even after two entities have asked him to stop using the brochure, that "he will use the brownout pamphlets until they are gone."

It is implied by the language in this brochure that Northwestern Energy, among other corporate and government entities are sponsors. The brochure states, "Prepared and Distributed without taxpayer or rate payer expense. Thank you to: School District 2, Northwestern Energy, **PPL Montana**, Alphagraphics, Heights Walmart, Billings Outpost, Billings Downtown Association, Fiscus Realty."

As a candidate for public office, these brochures are not compliant with **MCA 13-35-225** which requires a disclaimer. Since the candidate is personally handing these brochures out while campaigning for re-election door-to-door, the corporate entities that paid for the brochure are out of compliance for having paid for it. Even if the corporation paid for the brochure to be used for a different purpose, the fact that the brochure is actually being used by the filed candidate for campaign purposes has made this brochure a piece of campaign literature.

There has not been any public announcement by Northwestern Energy ^{or PPL Montana} to object to these materials being used for campaign purposes.

Brad Molnar currently serves on the Public Service Commission representing District 2. ^{→ PPL Montana} Part of his job is to vote on matters that would regulate Northwestern Energy. It is highly unethical for Mr. Molnar to accept corporate funds for use in purchasing campaign materials, particularly corporate funds coming from a corporation for whom he votes to regulate and approve rates charged to Montana energy consumers.

As background information, I submit the following information: In December 2007, Molnar organized a publicity stunt in Billings under the guise of conservation. As a part of that effort Molnar prepared a brochure which prominently featured his name and photograph. *(See page 2)*

Margo J. Fox

5/14/08

Molnar is a candidate for the Public Service Commission and Molnar has continued distributing the material AFTER having filed as a candidate for reelection. He has added a sticker which says in pertinent part, "Brad Molnar Your Conservation Candidate for Public Service Commission." Mr. Molnar was not endorsed by the Montana Conservation Voters, though one of the candidates in the Democrat primary was endorsed by the MCV.

I am attaching a copy of the literature in question and a copy of an article in the Billings Gazette detailing how two of the "sponsoring" organizations have asked Molnar to immediately cease and desist using their names to promote his candidacy.

It is unknown how many of these brochures were printed, but he did tell employees at the Northern Plains Resource Council that more than 20,000 brochures were printed. It seems a convenient coincidence that Mr. Molnar now has enough "extra material" to use as part of a door to door campaign promoting his candidacy. Moreover it is very obvious from the lay out and design of the material that it is as much about promoting Brad Molnar as it is about promoting voluntary conservation. Mr. Molnar only began engaging in this activity at the end of his third year in office and only in communities in his district.

Please note in the attached news story that Molnar states that he has every intention to continue using this material, apparently without regard for compliance with campaign law.

Wang & Fox 5/14/08



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13-35-227. Prohibited contributions from corporations. (1) A corporation may not make a contribution or an expenditure in connection with a candidate or a political committee that supports or opposes a candidate or a political party.

(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from an individual who is a shareholder, employee, or member of the corporation.

(4) A person who violates this section is subject to the civil penalty provisions of [13-37-128](#).

History: En. Sec. 25, Init. Act, Nov. 1912; re-en. Sec. 10790, R.C.M. 1921; re-en. Sec. 10790, R.C.M. 1935; Sec. 94-1444, R.C.M. 1947; redes. 23-4744 by Sec. 29, Ch. 513, L. 1973; amd. Sec. 1, Ch. 296, L. 1975; R.C.M. 1947, 23-4744; amd. Sec. 1, Ch. 404, L. 1979; amd. Sec. 1, I.M. No. 125, Nov. 5, 1996; amd. Sec. 1, Ch. 294, L. 1997 (voided by I.R. No. 114, Nov. 3, 1998); amd. Sec. 1, Ch. 59, L. 2003.

Provided by Montana Legislative Services

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13-35-225. Election materials not to be anonymous -- statement of accuracy. (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(2) Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include:

(i) a reference to the particular vote or votes upon which the information is based;

(ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if closely related in time; and

(iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the statements made about the other candidate's voting record are accurate and true.

(b) The statement required under subsection (3)(a) must be signed:

(i) by the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record; or

(ii) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.

(4) If a document or other article of advertising is too small for the requirements of subsections (1) through (3) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 5 days of the discovery or notification;

(b) bring the material into compliance with subsections (1) through (3); and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

History: En. by Sec. 33, Ch. 334, L. 1977; R.C.M. 1947, ; amd. Sec. 221, Ch. 571, L. 1979; amd. Sec. 1, Ch. 368, L. 1987; amd. Sec. 1, Ch. 23, L. 1991; amd. Sec. 1, Ch. 482, L. 1991; amd. Sec. 1, Ch. 415, L. 2003; amd. Sec. 1, Ch. 419, L. 2003.

Provided by Montana Legislative Services



Story available at <http://www.billingsgazette.net/articles/2008/05/08/news/local/29-molnar.txt>

Published on Thursday, May 08, 2008.
Last modified on 5/8/2008 at 12:34 am

SD2, chamber tell Molnar: Leave us out of campaign

**By TOM LUTEY
Of The Gazette Staff**

School and business officials are asking Public Service Commissioner Brad Molnar to pull the plug on campaign literature that they say implies endorsement of his re-election.

Molnar, a Laurel Republican, recruited School District 2 and the Billings Chamber of Commerce last December for an energy-saving promotion he billed the "Great Billings Brownout." The promotion involved persuading Billings-area residents to switch off or unplug nonessential appliances and lights.

Word of the exercise was circulated through energy tip pamphlets prominently featuring Molnar on the cover and listing 23 brownout sponsors inside.

SD2 sent the flyers home with schoolchildren. The Billings Chamber of Commerce distributed them through its members.

The controversy arose earlier this spring as Molnar continued distributing the brownout fliers as part of his campaign literature. It has been six months since brownout participants turned their lights back on. Officials from SD2 and the chamber said they don't want to give people the impression that they're endorsing Molnar. Neither the district nor the chamber makes political endorsements.

"We sent an e-mail to Mr. Molnar to let him know that by no means should our support of the brownout campaign that was six months ago be considered an endorsement," said John Brewer, the Billings Chamber president and chief executive.

SD2 Superintendent Jack Copps said Tuesday that he, too, would notify Molnar that the district didn't want to be associated with the re-election campaign.

"We joined a number of forces to support the brownout effort, but that effort had nothing to do with any candidate," said Copps, who learned of the flyer from school board member Mary Jo Fox.

Molnar said Wednesday that he will honor the request by covering up the two organizations' names with a sticker that says "The event is over, but the tips are still good. Have a nice day." The other 24 participants remain listed.

SD2 and the Chamber of Commerce played big roles in spreading the word about the brownout, Molnar said. SD2 gets two mentions in the brochure, once as a supporter and a second time as a publisher or distributor along with Wal-Mart, PPL Montana and Northwestern Energy.

Brownout tips include plugging bathroom fan vents with cardboard and chimneys with sacks of newspaper, as well as washing clothes in cold water whenever possible.

The commissioner said he's just too cheap to buy new pamphlets. He'll use the brownout pamphlets until they're gone.

"What is so wrong with dated brochures?" Molnar said. "I'm a fiscal conservative, and I just can't throw anything away."

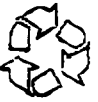
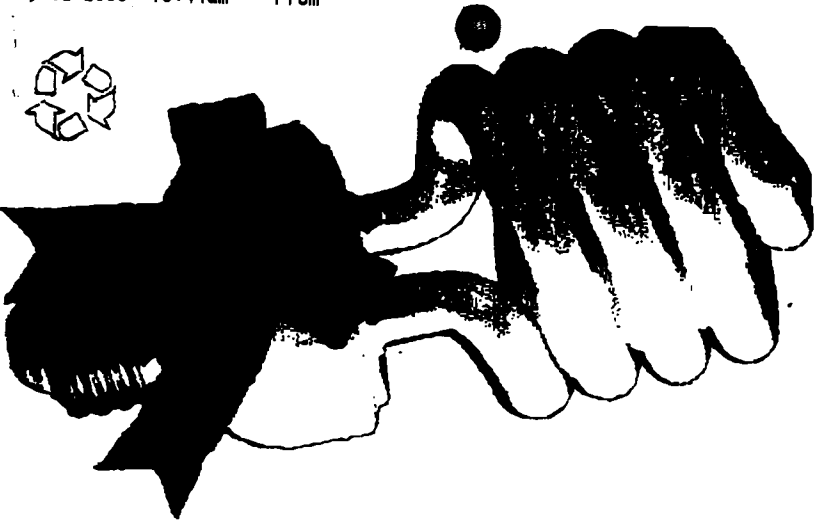
Molnar dismissed concerns about the pamphlets as ridiculous and said he suspected that the local teachers' union was stirring the issue.

Billings Education Association president Jeff Greenfield said he hadn't heard anything about the matter and that the union was not behind it.

"Definitely not so," Greenfield said.

The Christmas Gift... that keeps giving.

Every man, woman and child in Billings received a compact fluorescent light bulb (CFL) for an early Christmas gift, (and recalled it at 7pm on December 6th). During the life of those bulbs we would stop 300 tons of CO₂ from being released into the air and our families would save 1,000,000 on their electricity bills. Truly a very easy way to save money and live a little greener.



MAJOR SUPPORTERS OF THE BILLINGS BROWNOUT

- Public Service Commissioner, Brad Molnar
- Montana State University - Billings
- School District 2
- Billings Chamber of Commerce
- City of Billings
- KULR-8 TV
- Yellowstone County Government
- Rocky Mountain College
- KTVQ-2
- Downtown Billings Association
- PPL Montana
- Northwestern Energy
- Billings Outpost
- KSVI ABC-6
- Heightz Walmart
- West End Walmart
- Billings Clinic
- KHMT Fox-4
- St. Vincent Healthcare
- Montana Retailers Association
- Montana Restaurant Association
- Big Sky Econommical Development Assn.
- Jim Larson Advertising

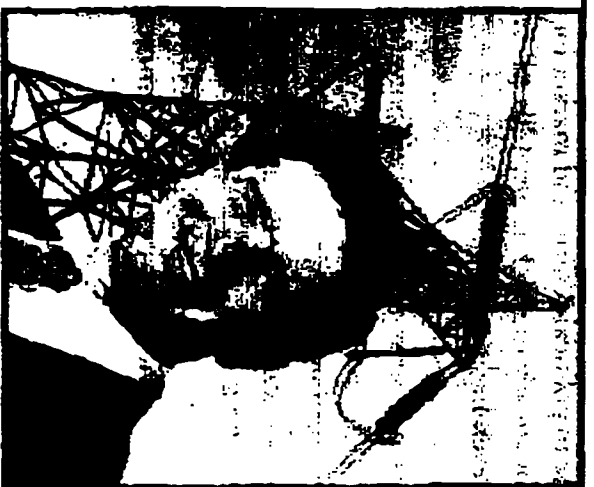


*Prepared and Distributed without
payer or rate payer expense.*

Thank you to:

- School District 2
- Northwestern Energy
- PPL Montana
- Alphagraphics
- Heightz Walmart
- Billings Outpost
- Billings Downtown Association
- Fiscus Realty

**PLEASE COPY AND GIVE TO
CO-WORKERS & FRIENDS.**



**PUBLIC SERVICE COMMISSIONER
BRAD MOLNAR
invites you to join your
neighbors and take part in the
GREAT BILLINGS BROWNOUT
December 6th • 7-8 pm**

The first voluntary brownout was held in Sydney Australia. For one hour they reduced electricity consumption by 10%, saving consumers millions of dollars and stopping 24 tons of CO₂ from being released into the air, an equivalent of 44,000 cars driving for one hour.

For the Billings Brownout, Northwestern Energy will determine how much electricity was saved, it's value and the amount of CO₂ not released.

me to political actions and market forces,
Our already too high utility bills will soon
go even higher.

It is our firm belief that empowerment
through education on cost effective
conservation practices employers and
families can and will take control of
their household and business expenses,
while becoming good environmental
wards, without expensive governmental
mandates.

*(Cost reduction is accomplished by
what you do, not plug in or unplug)*

To that end, the Billings Brownout will
take place on December 6, 2007 from 7:00
pm to 8:00 pm. Brownout organizers ask
that, for that hour, you unplug or turn off
appliances and lights that you determine
are non-essential. If you then take
advantage of the educational component of
the Billings Brownout, you may save 30%
on your utility bill and make a positive
environmental contribution.

From
Sincerely,

Brad Molnar

Brad Molnar

May-02-2008 10:43am

— *Environ 2007*

For conservation to be sustained it must be convenient and cost effective.

HEATING YOUR HOME IS 40% OF YOUR UTILITY BILL. REDUCING AIR MIGRATION IS THE KEY.

- NO COST:** Bathroom ceiling vents are venting your warm air right outside. Unscrew the vent cover and line it with cardboard.
- NO COST:** Space heaters, hot tubs and water beds can cost \$40 per month . . . each! Your choice. Plug your chimney with a plastic bag filled with crumpled newspapers. Leave a ribbon hanging down as a reminder.
- LOW COST:** Install your door sweeps and foam strips on exterior doors. (cost: \$10)
Window insulator kits. (cost: \$5)
- LOW COST:** Drafty Electrical outlets and switches can account for 20% of air leakage in your home. (cost: \$3 a package)

HEATING WATER IS 25% OF YOUR HOME ENERGY BILL.

- NO COST:** Set your water heater at 120°; check by sticking a candy thermometer under your faucet. Why add cold water to water you paid to heat?
- NO COST:** Wash clothes in cold water whenever possible. Cold water detergents are now very effective.
- LOW COST:** A "Low Flow" shower head will save you 18,000 gallons of water a year. It costs a tremendous amount to heat 18,000 gallons of water for a year and you can't feel the difference of a low flow head. (cost: \$10)
- LOW COST:** Once your water is heated why heat it again? Wrap your water heater with insulation or purchase a cover for it. Do not cover vents.

The combined costs of the above measures are often less than \$40, yet will visibly reduce your utility bill in just one month.

For more information and over 200 cost cutting conservation tips go to:
billingsbrownout.blogspot.com
or call Commissioner Brad Molnar at 406-444-6165



Copy of email sent
to City Council by
City Manager of Billings
Tina Volek

~~From:~~
~~Sent:~~ Thursday, May 08, 2008 7:40 AM
~~To:~~
Subject: FW: Billings Brownout

Ladies and Gentlemen:

A Billings Gazette reporter has called me about a complaint that Brad Molnar is using the brochure he created for the Billings Brownout to insert with his campaign literature in the doors of homes he visits while campaigning for the PSC. The brochure features a list of organizations that participated in the event, including the City, MSU-B, the Chamber, School District #2, etc. Apparently, there is some feeling that this is being used to indicate some kind of endorsement of his campaign.

I told the reporter that neither the City nor I endorsed any candidates for public office. He suggested that the Chamber had asked Mr. Molnar to stop distributing the brochure, and that SD2 was to issue a letter today, saying it does not endorse him. I have confirmed that the Chamber did have a lengthy set of e-mail exchanges with Mr. Molnar in which it asked him to stop the distribution; we were not able to confirm the School District's letter today.

Our involvement in the brownout was to turn off the escalator and a few lights at the Airport, and to turn off some power strips when we left the building, since the brownout occurred after our regular closing time. Since I committed the City to this project with the rest of the agencies involved, I will attempt to contact Mr. Molnar and ask him to stop using the brochure, of which I no longer have a copy. Does the Council wish a letter to be sent to him, as well, or is the interview with the Gazette enough?

Thanks,

Tina

Tina Volek
City Manager, Billings