

THE STATE OF MONTANA

Commissioner of Political Practices 1209 Eighth Avenue Post Office Box 202401 Helena, MT 59620-2401 Phone: 406-444-2942 Fax : 406-444-1643 www.politicalpractices.mt.gov

Lobbying

Complaint Form (04/19)

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Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name Montana Racehorse Owners & Breeders- Daniel Fuchs, President Complete Mailing Address 1205 Broadway Ct # 2 Helena, MT 59601 Phone Numbers: Work 720-351-0648 Home

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

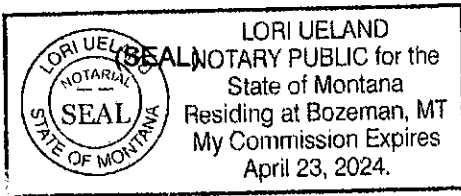
Complete Name MT Tavern Ass, Great Falls Tavern Ass. John Hayes Leg. Com. Chair Complete Mailing Address 920 E. Lydia Ave. Helena, MT 59601 Phone Numbers: Work 406-459-3344 Home

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 Gallatin

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



Signature of Complainant Daniel C Fuchs

Subscribed and sworn to before me this 8 day of September, 2020.

Signature of Notary Public Lori Ueland

My Commission Expires:

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.

See Attached!

Complaints must be:

- ✓ • signed
- ✓ • notarized
- ✓ • delivered in person or by mail.



Montana Racehorse Owner's & Breeder's Coalition

Commissioner Mangan - Formal Request for Lobbying MCA 5-7-302 and Ethics MCA 2-2-203 Violations Investigation: Breach of fiduciary duties and blatant and deceptive breach of public trust.

On behalf of our members, our industry and our racing fans we reluctantly come forward seeking an investigation into the actions of the Montana Tavern Association during the 2019 Legislative Session. In hindsight, there were numerous entities that may have been negligent and complicit to the conflict of interest, misrepresentation and breach of fiduciary duties. John Hayes as an agent (appointed by Governor Bullock) of the Great Falls and State Tavern Associations committed a shameful act of bad faith and breach of trust to the Horse Racing industry and his fellow colleagues on the Board.

It all began in the summer of 2017 when an effort to bring Historical Horse Racing pari-mutuel terminals to Montana as a new revenue tool was introduced to the Montana Board of Horse Racing. John Hayes sat as the Chairman of the Board of Horse Racing and President of the Great Falls Tavern Association as well as Chair of the legislative committee for the Montana Tavern Association. Clearly a potential here for a monumental conflict of interest, yet as an appointee by the Governor it was deemed acceptable. Maybe it was a lack of awareness to the legal folks representing the Governor, Board of Horse Racing and State and Great Falls Tavern Association. Over the course of the next 2 years coming into the 2019 legislature the Montana Board of Horse Racing and Chair John Hayes voted 4 times to proceed with Historical Horse Racing legislation. SB 183 sponsored by Senator Blasdel was introduced and referred to committee. Somewhere between introduction and the actual hearing John Hayes learned from the Tavern Association he was to oppose the Historical Horse Racing legislation SB 183. It was at that moment in time either John Hayes or legal from the Governor's office, the Board of Horse Racing or the Great Falls or State Tavern Association should have acted to preserve the integrity of the legislative process and have John Hayes declare his conflict and choose where his

loyalties were. It is hard to fathom how this kind of conflict of interest was allowed to go unchecked by so many.

John Hayes on the eve of the Senate Hearing texted the committee Chair, Senator Fitzpatrick asking him to oppose SB183. We have and there is factual evidence that this occurred and that when caught and confronted, while first denying reversed and voluntarily offered to resign. He did not resign, was not asked to resign and apparently was not given legal advice to choose one or the other? Chairman Haye's action is disgraceful, as he acted in bad faith and deceptively misrepresented his loyalty to his Board of Horse Racing and the industry it represents. He without conscience interfered with the outcome of SB 183 and negatively affected the outcome of the committee vote. Was this all just stupidity and arrogance or were more nefarious things going on? Was he actually paid by the Tavern Association to do this? Either way, as a former legislator I feel obligated to find out. This kind of behavior cannot be swept under a rug and demands accountability.

Respectfully,

Daniel Fuchs
President,
MROBC

John Hayes

Tom, I found it about 20 minutes ago. It was to Steve Fitzpatrick on my phone. Steve is a Senator from Great Falls. I just didn't remember sending a note to him. A lot of people were talking to me about this bill and others. Steve and I did not connect on the phone and i sent him the note.

I will forward it to you if you wish. Then, if you need me to resign for conflict of interest or any other reason, let me know.