DANIEL WHYTE
BRENDAN BEATTY
Special Assistant Attorneys General
MONTANA DEPARTMENT OF REVENUE
Legal Services Office
125 North Roberts Street
PO Box 7701
Helena, Montana 59604-7701
Telephone: (406) 444-3340; (406) 444-1602
dwhyte@mt.gov; bbeatty@mt.gov

Attorneys for the Department

## IN THE UNITED STATE DISTRICT COURT FOR THE DISTRICT OF MONTANA HELENA DIVISION

KATHY ARMSTRONG and JERRY ARMSTRONG, individuals; ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATION, a non-	) Cause No.: CV 15-114-H-SEH ) )
governmental organization,	) AFFIDAVIT OF
,	) LARRY SULLIVAN
Plaintiffs,	)
vs.	) )
MIKE KADAS, in his official capacity as Director of the Montana	) ) )
Department of Revenue,	, )
	)
Defendant.	)
¥.7973	DIELCATION

## <u>VERIFICATION</u>

STATE OF MONTANA		
	:	SS
COUNTY OF Lewis & Clark	)	

Larry Sullivan, being first duly sworn upon oath, states:

I am the Unit Manager for the Withholding Tax Unit in the Business and Income Tax

Division for the Montana Department of Revenue (Department).

MDOR EXHIBIT

One of my duties as Unit Manager is to administer the Department's oversight of the student scholarship organizations pursuant to § 15-30-3101, et seq., MCA.

The Department has received only one registration request from a Student Scholarship Organization (SSO). The request was approved.

Section 15-30-3111, MCA, allows for a tax credit of up to \$150 for individuals that contribute to a registered Student Scholarship Organization (SSO). The contributions can be made beginning on January 1, 2016, with the first tax returns claiming the credit being filed in the beginning January 1, 2017. Therefore, no credits have been allowed under the program as of this point.

As of the date of this affidavit, February 8, 2016, the Department has received only one registration for an SSO to begin to receive contributions that would qualify for the credit. Further, only two donations have been made to that SSO in an amount equal to the credit allowed for donating, \$150.

As the Unit Manager, all inquiries for information related to the scholarship program are to be sent to me. As that conduit for the Department I have received no inquiries from any member of the public related to making additional donations to the scholarship programs, or as to the availability of scholarships under the program.

Dated this \_\_\_\_ day of February, 2015.

MONTANA DEPARTMENT OF REVENUE

SUBSCRIBED AND SWORN to before me this 2th day of February, 2016.

TIA CORWIN NOTARY PUBLIC for the State of Montana Residing at East Helena, Montana My Commission Expires July 24, 2018