



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

October 17, 2016

David Fowler  
2805 135<sup>th</sup> Avenue  
Hersey, Michigan 49639

Dear Mr. Fowler:

The Department of State (Department) received a formal complaint filed by Cathleen Anderlohr against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign materials. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

In support of her complaint, Ms. Anderlohr provided a flyer which states, "ELECT Fowler FOR OSCEOLA COUNTY SHERIFF [.]". The flyer appears to omit a proper paid-for by statement.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

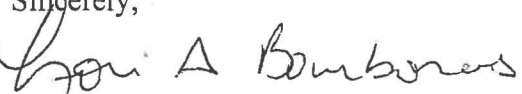
**If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Ms. Anderlohr, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]". MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an

David Fowler  
October 17, 2016  
Page 2

administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,  
  
Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Cathleen Anderlohr

**Campaign Finance Complaint Form**  
**Michigan Department of State**

2010 OCT 14 AM 9:18

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>Cathleen Anderlohr</i>	Daytime Telephone Number <i>231-942-9205</i>	
Mailing Address <i>628 W Upton Ave</i>		
City <i>Reed City</i>	State <i>MI</i>	Zip <i>49677</i>

Section 2. Alleged Violator		
Name <i>David Fowler</i>		
Mailing Address <i>2805 135th Ave</i>		
City <i>Hershey</i>	State <i>MI</i>	Zip <i>49639</i>

**Section 3. Alleged Violations** (Use additional sheet if more space is needed.)

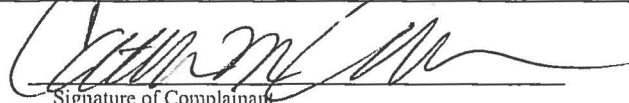
Section(s) of the MCFA violated:  
*R 169.36*

Explain how those sections were violated:  
*on the enclosed Flyer, David Fowler, having made reference to an election failed to include on printed material the words "paid for by" or the Committee paying for the material.*

Evidence that supports those allegations (attach copies of pertinent documents and other information):  
*Enclosed Flyer*

**Section 4. Certification (Required)**

*I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

X  \_\_\_\_\_ Date 10-11-16

**Section 5. Certification without Evidence (Supplemental to Section 4)**

**Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint.** However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Complainant

**Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.**

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918

# ELECT



You  
have a  
choice.  
Choose  
wisely!



**FOR OSCEOLA COUNTY SHERIFF**

# Experience

Where And When It Matters

# ELECT

## A Qualified Candidate

- Certified police officer in the State of Michigan for over 38 years
- Served as Undersheriff in Osceola County for more than 7 years
- Served as Detective
- Qualified death scene investigator
- Currently holds the highest ranking with the following weapon systems:  
Pistol, Shotgun, Rifle

- Certified full automatic rifle and competition shooter in the following categories:  
Archery  
Pistol  
Rifle  
Shotgun
- Assisted NASA in the recovery effort following the Space Shuttle Columbia disaster
- Served as Sergeant in the United States Air Force
- Served as 911 Dispatch Director

### Certifications

- Certified Fire Fighter
- Certified Medical First Responder

### Best Trained

- Fire Scene Safety Officer
- Swift Water Rescue
- Safety Trainer
- Hazardous Materials Awareness
- JAWS Tool Operation

**VOTE**  
**Nov. 8**

**Experience**  
Where And When It Matters



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 1, 2016

Cathleen Anderlohr  
628 West Upton Avenue  
Reed City, Michigan 49677

Dear Ms. Anderlohr:

The Department of State received a response to the complaint you filed against David Fowler, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: David Fowler

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 OCT 31 PM 3:07

ELC 10/31/16 3:07 PM

October 26, 2016

MICHIGAN DEPARTMENT OF STATE  
Bureau of Elections  
ATTN: Lori A. Bourbonais  
Richard H. Austin Building  
1<sup>st</sup> Floor  
430 West Allegan  
Lansing, MI 48918

BY PRIORITY MAIL

Dear Ms. Bourbonais:

RE: *Cathleen Andelohr Complaint Against David Fowler*  
(Alleged Campaign Finance Act Violation)

This is in response to your letter of October 17, 2016, to me regarding the above-referenced matter.

I acknowledge that the political ad in question did not contain the name and address of the person who paid for or authorized the same, namely me, but I honestly thought that was no longer required as the result of some Supreme Court case a few years back. I spoke with my Attorney and he thought the same thing without actually looking into it.

There was no other reason for my not including that information. I was not trying to deceive anyone and would have been more than willing to acknowledge that I authorized and paid for the same. It was a simple and honest mistake on my part for which I apologize.

No corrective action is necessary or possible as this was a one-time ad in a monthly publication of limited distribution, the next edition of which likely will be published after the November 8<sup>th</sup> election.

I have not placed any other printed ads or any radio or television spots concerning next month's election. That one ad was it.

If I ever place another political ad it will certainly contain all of the required information. You certainly got my attention.

The absence of that payer and authorized by information was purely inadvertent, not the least intentional. This was not a knowing violation. Please take no further action on this Complaint.

I thank you for your time and consideration.

Sincerely,



David J. Fowler  
2085 - 135<sup>th</sup> Avenue  
Hersey, MI 49639  
Telephone: (231) 388-3686





STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

December 29, 2016

David J. Fowler  
2085 135<sup>th</sup> Avenue  
Hersey, Michigan 49639

Dear Mr. Fowler:

This letter concerns the complaint that was recently filed against you by Cathleen Anderlohr, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Ms. Anderlohr's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in cursive script that reads "Lori A Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Cathleen Anderlohr

November 11, 2016

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2016 NOV 22 PM 1:55  
ELECTIONS/GREAT SEAL

MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
Richard H. Austin Bldg.  
1<sup>ST</sup> Floor  
430 W Allegan  
Lansing MI 48918

RE: *Cathleen Anderlohr complaint against Dave Fowler*

I have received a copy of Mr. Fowlers response letter regarding the complaint I filed. While I appreciate his acknowledgement of an "honest inadvertent non intentional violation, the initial violation to which I was trying to bring to your attention was not the paid advertisement in the "Talk of the Town paper" it involved the posting of the flyer, which I enclosed with the initial complaint. These flyers continued to be distributed all over Osceola County even after Dave Fowler received the notice of the complaint.

The fact remains that Dave Fowler has attempted election for the position of Sheriff in Newaygo County twice and has ran for the position of Sheriff in Osceola County in 2016, 2012, 2008. In four of these attempts, he has not been neglectful of including the verbiage "paid for by the committee to elect Dave Fowler for Sheriff." It is my honest opinion that he was fully aware of this requirement. Mr. Fowler openly admits on a video he created on social media that states: ***"Just for what it is worth, this ad was paid for by, well nobody."*** ***"I'm not trying to waste money I'm trying to save money"***. He openly mocks the initial complaint letter that he received from your office. He states ***"The Sheriff of Osceola County had one of his lackeys submit a complaint to the Bureau of Elections, they filed a grievance against me because it did not say paid for by, three little words. My name is Dave Fowler everybody knows who I am.. but the bullying continues. I find that despicable."*** ***"I have talked to the people at the Bureau of Elections and nothing..it is not a valid point I was told by an attorney(unnamed) that I did not have to have any caveat, any extra warnings IT IS A MOOT POINT."***

As a retired Police Officer with 30 years of experience as he claims, I would hope that he would be fully aware of any decisions rendered by *some* Supreme Court. I find his response letter insulting. Insulting to the registered voters of Osceola County, to the Elections Bureau and to the Supreme Court.

I respectfully request that the Bureau of Elections continue to investigate my complaint. I believe this was a KNOWING VIOLATION. I have a recording of the videos Mr. Fowler posted on social media, if your office would like a copy, please contact me.

Respectfully,



Cathleen M Anderlohr

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 OCT 31 PM 3:07

ELECTORAL DIVISION

October 26, 2016

MICHIGAN DEPARTMENT OF STATE  
Bureau of Elections  
ATTN: Lori A. Bourbonais  
Richard H. Austin Building  
1<sup>st</sup> Floor  
430 West Allegan  
Lansing, MI 48918

BY PRIORITY MAIL

Dear Ms. Bourbonais:

RE: *Cathleen Andelohr Complaint Against David Fowler*  
(Alleged Campaign Finance Act Violation)

This is in response to your letter of October 17, 2016, to me regarding the above-referenced matter.

I acknowledge that the political ad in question did not contain the name and address of the person who paid for or authorized the same, namely me, but I honestly thought that was no longer required as the result of some Supreme Court case a few years back. I spoke with my Attorney and he thought the same thing without actually looking into it.

There was no other reason for my not including that information. I was not trying to deceive anyone and would have been more than willing to acknowledge that I authorized and paid for the same. It was a simple and honest mistake on my part for which I apologize.

No corrective action is necessary or possible as this was a one-time ad in a monthly publication of limited distribution, the next edition of which likely will be published after the November 8<sup>th</sup> election.

I have not placed any other printed ads or any radio or television spots concerning next month's election. That one ad was it.

If I ever place another political ad it will certainly contain all of the required information. You certainly got my attention.

The absence of that payer and authorized by information was purely inadvertent, not the least intentional. This was not a knowing violation. Please take no further action on this Complaint.

I thank you for your time and consideration.

Sincerely,

  
David J. Fowler

2085 - 135<sup>th</sup> Avenue

Hersey, MI 49639

Telephone: (231) 388-3686



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 1, 2016

Cathleen Anderlohr  
628 West Upton Avenue  
Reed City, Michigan 49677

Dear Ms. Anderlohr:

The Department of State received a response to the complaint you filed against David Fowler, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: David Fowler



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 24, 2017

David J. Fowler  
2085 135<sup>th</sup> Avenue  
Hersey, Michigan 49639

Dear Mr. Fowler:

The Department of State (Department) has completed its investigation of the complaint filed against you by Cathleen Anderlohr, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Ms. Anderlohr's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". Id.

Ms. Anderlohr filed her complaint on October 14, 2016. You filed a written response on October 31, 2016, and Ms. Anderlohr filed a rebuttal statement on November 22, 2016.

Ms. Anderlohr alleged that you failed to include a paid-for-by statement on your campaign flyer. In support of her complaint, Ms. Anderlohr provided a flyer which stated, "ELECT Fowler FOR OSCEOLA COUNTY SHERIFF [.]". It appeared that the paid-for-by statement was omitted from your flyer.

You admitted that the flyer did not contain a paid-for-by statement, but you also stated that you did not believe it was any longer required. You further stated that, "if [you] ever place another political ad it will certainly contain all of the required information."

While the Department believes that the evidence tends to show that your campaign material failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]".

David Fowler  
March 24, 2017  
Page 2

The Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Cathleen Anderlohr