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

July 16, 2012

Dave Healy
5352 Four Seasons Drive
Kalamazoo, Michigan 49009-8964

Dear Mr. Healy:

The Department of State (Department) has received a formal complaint filed against you by Donald Boven, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq*. The investigation and resolution of these complaints is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq*. Copies of the complaint and supporting documentation are enclosed with this letter.

Mr. Boven alleges that you violated section 57 of the MCFA by including your office telephone number in a campaign letter to township residents. Mr. Boven further alleges that you have used the township office and staff for campaign purposes.

Section 57 of the MCFA prohibits a public body or an individual acting on its behalf from using or authorizing the use of public resources to make a contribution or expenditure. MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

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 this complaint, you are required to do so within 15 business days of your receipt of this letter. 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, 1st 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 Mr. Boven, 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 administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(3) 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: Donald D. Boven

7-9-12

Michigan Department of State
Campaign Finance Complaint Form

Reset Form

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.*).
Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name: DONALD D. BOVEN		Daytime Telephone Number: 269 375-0354
Mailing Address: 7433 FINNIGEN ST.		
City: MATTAWAN	State: MI	Zip: 49071

Section 2. Alleged Violator		
Name: DAVE HEALY		
Mailing Address: 5352 FOUR SEASONS DR.		
City: KALAMAZOO	State: MI	Zip:

2012 JUN 16 AM 10:18
BUREAU OF ELECTIONS
MI DEPT OF STATE

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

Section(s) of the MCFA violated:

Explain how those sections were violated:

MR. HEALY PUT TOWNSHIP PHONE NUMBER ON FRONT PAGE OF LETTER SENT TO ALL RESIDENTS OF TEXAS TOWNSHIP. HE IS USING STAFF AND TOWNSHIP OFFICE FOR HIS CAMPAIGN.

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

ENCLOSE COPY = LETTER HE HAS MAILED TO ALL RESIDENTS

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 Donald D. Bowen — Signature of Complainant

7-9-12 — Date

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:

USING TOWNSHIP PHONES

USING OFFICE STAFF TO ANSWER

USING OFFICE FOR HEADQUARTERS

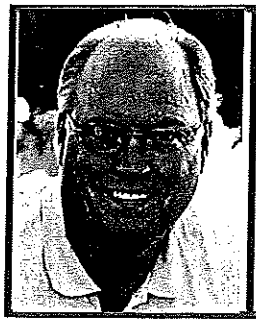
X Donald Bowen — Signature of Complainant

7-9-12 — Date

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 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



Dave Healy
for Texas Township Supervisor

dlhealy@sbcglobal.net
269-375-1591 Twp Office
269-998-7836 Personal Cell

~~5352 Four Seasons Drive~~
269-353-7564 Home

June 28, 2012

When I'm writing the township newsletter I usually have to be very careful not to let my opinions come across in the articles. But since I'm paying for this newsletter from my own campaign funds, I have a bit more flexibility. Perhaps you will find this informative and educational enough to motivate you to vote in the August 7th election.

This local election has essentially come down to a choice between the old and the new. At the last election, I was the only new person added to the board and the other board members have not been very accepting. Now they have found a legal mechanism to transfer almost all my duties to someone that they will select. That way, even if I win the election in August, it will be a hollow victory because someone else will be filling my role at the office. The objective of the other current board members is to relegate the Supervisor position to that of a trustee, whose primary role is attending board meetings.

If you want me to continue playing a more meaningful role in guiding this township to a higher level of professionalism, transparency, and community involvement you will have to also elect new board members that want to put control back into the hands of the voters.

Yours in service,

Dave Healy

My "Super" thoughts

While I am certainly disappointed that the rest of the board took action to eliminate the job that I have really enjoyed for the past 3 ½ years, my greatest disappointment is with the lack of transparency, lack of research and lack of community involvement surrounding their decision. Many of you have told me that you feel the same frustration. [see MLive article from 5/23/12]

The concept of transferring virtually all the elected Supervisor's duties to a Superintendent that will be hired by the township board was introduced as a better way to run the township. Yet virtually nothing was provided to support the claim. Board members went along with the idea without inquiring about how it works in other townships, how many townships operate this way, what the situations are in those townships, etc. No research was done, no data was gathered, no informational meetings with the public were held. The entire discussion lasted about twenty minutes before the 6-1 vote.

There are 1,242 townships in Michigan and, according to the Michigan Townships Association (MTA), there are only 41 Superintendents. Consistent with the intent of the law, most of those were established at the direction, or with the consent of, the township Supervisor. In a situation where the Supervisor does not want to manage the daily operations, this law allows him or her to assign those duties to a Superintendent.

The law can also be used by the township board to take powers away from the Supervisor and assign them to a Superintendent. According to MTA, this was last done twenty years ago in a township in the Lansing area.

> *"One would think that before such a significant change was adopted, that the board would seek input from the community."*
> *-Editorial, MLive, 5/23/12*

If we are truly looking for a better way to run a local government, we should have some meaningful discussions. We should evaluate the total cost of the alternatives as well as the operational and service level impacts. I have always been in favor of reviewing everything we do in an effort to lower cost or improve service. But there is a logical way to approach change and this board has not consistently followed it.

Is it final?

No. This board, or a future board, can vote at any time to reverse the action. Since the current board members have not demonstrated any inclination toward changing their mind, it appears that the only way to reverse the decision is to elect new board members that are more inclined to involve the public in their decision-making process.

In the mean time, the board is racing to get a Superintendent hired before the end of the current term in November. Perhaps a strong message from the voters in the August 7th election will slow them down.

It's time...

Are we better off now?

It was an effective question when Reagan asked it years ago, so let's ask it again. Is our township better off now than it was four years ago? When you elected me as Supervisor in 2008, I was the only new person added to the township board. While not operating on my own, you can see that the new energy that came with me served as a catalyst for improvements in many areas. Now the rest of the board wants to eliminate me from township operations and replace me with someone they choose.

Here are some areas in which I have been actively involved as your Township Supervisor:

Farmers Market. It is an incredible program in an award-winning building. Community pride grows as 2-3,000 people enjoy this weekly (twice-weekly in July/August), festive event.

Parks & Trails. We received our first and second grants totaling almost $600,000 so far. Improvements to parks and trails are very visible near the township office and along Texas Drive. We will soon hold a meeting to discuss the next section of trail along Texas Drive.

Friends of Parks & Trails. Our community now has a 501(C)(3) corporation that is collecting contributions to help cover the matching portion of our grants. It has also started an endowment fund for future maintenance.

Communication. Community meetings, informative Newsletters, and an improved website are a good start. Consistency could be improved and there is plenty of opportunity to employ additional technology.

Transparency. There is more information available for the public to review than there has ever been in the past. We still need to make it easier to find and understand.

Fire Coverage. A survey indicated that you wanted 24 hour coverage. We figured out the lowest amount that would accomplish it. Seventy percent of you voted to support it.

Road Maintenance. We are one of the few communities in the state that seems to understand that we will save money in the long run by preserving our roads today. We even received a state award for our efforts.

Texas Drive Realignment. When the federal government threw billions of dollars into the air as a stimulus package, we held out our net and brought some of the money here for the realignment of the Texas Drive/8th Street intersection.

Financial Stability. The financial condition has improved, even after paying for the pavilion that houses the farmers market.

DDA Projects. The Downtown Development Authority has stepped up its efforts to create a "downtown" area at 8th Street and Q Avenue. Streetlights and sidewalk projects are a good start.

Technology in the office

We have made great strides at increasing the use of technology in the office over the past few years. When I started just 3 ½ years ago, the township staff did not even have the capability to scan a document. Fax machines were deemed adequate, as they had been for years.

Today we have the ability to scan large amounts of data. Our entire board packet is now scanned and put on the township web site before meetings. The township budget and financial information are also now scanned and added to the website. In fact, we are starting to put a lot of things on the website now that were never even considered in the past. And there is still so much more that can be done!

Kitchen Cabinet Meetings

Each month I extend an open invitation to the public to join me for coffee at Asiagos restaurant. We meet the 4th Friday of every month at 9:00 AM (3rd Friday November through January). We talk about anything and everything that's going on in the township and frequently have a County Commissioner there to talk about County activities. State Representative Margaret O'Brien is also a regular and gives us a legislative update.

Others on the township board have spent **thousands of dollars in township legal fees** trying to stop these monthly meetings from taking place. I don't understand their concern with my casual meetings with you but it may have something to do with the fact that it hasn't been done this way in the past.

I have made it clear that the meetings will continue and this has become just one more area of disagreement between me and the other board members.

Let me know if you would like to be added to the email list to receive a reminder notice.

Breakthrough Opportunity

Numerous articles and books point out that some changes cannot happen without a "breakthrough". At some point incremental changes are not enough to reach the desired goal. In the township's case, we have a culture that needs a breakthrough before it can advance our township to the next level. One new board member every four years won't get it done.

The desirability of living in Texas Township continues to bring more people to our community and that is not something we can stop.

As a township government, we must address the increasing demands of the community while controlling the cost. That will also require a breakthrough board willing to embrace the increased use of technology. The candidates listed on the back could work together to give you such a board.

****

Only a few will decide

Of the 14,679 Texas Township residents there were 10,761 registered voters in the last presidential primary election. Of those registered, 8,505, or 79%, showed up to vote in November. But because all our township board candidates are Republicans, **the township board selection process is done entirely at the August primary election**.

Only 1,944 voters showed up to vote in the 2008 primary election and many of those voted as Democrats. Since you can't split your vote in a primary, **anyone voting on the Democratic side in August 7th doesn't get to vote for the township board**. In the 2008 election, a candidate needed only 916 votes to earn a position on the board.

It's Yard Sign Time!

Displaying someone's yard sign is a great way to let someone know that you think the candidate will do a good job if elected. Candidates appreciate the gesture and it helps them communicate their candidacy to the rest of the world. And at $3-$5 per sign they can be a significant expense for a campaign.

If someone plops a yard sign down on your property, even in the road right of way, you have every right to remove it. If it's on your property, you don't have to let anyone display his or her yard sign against your will.

At the last election every one of my yard signs were placed with the owner's permission and I plan to do it the same way this time. If you would like to support my candidacy by displaying a yard sign, please send me an email or call me.

My Bio

After spending most of my first 18 years on a farm in Gobles I attended Michigan State University and earned my BA in Accounting. Tenures with Price Waterhouse and Ernst & Young gave me the experience I needed for a CPA certificate. Work experience gained through our family hardware & lumber store, several small manufacturing firms, and 15 years as CFO at Schupan & Sons gave me a solid understanding of the world of small business.

Always a public servant at heart, I have been involved in numerous activities for school, church, community and local government. My current boards/committees outside of the township government are with the Boy Scouts and United Way. I am one of the founding board members of the Texas Township Friends of Parks & Trails. I also currently serve on the Kalamazoo County Republican Party Executive Committee and am a founding board member of Tea-PAC.

My past experience as Chairman of the Van Buren County Board of Commissioners has helped me to contribute to the county 911 Central Dispatch Committee on which I serve. After many decades of impasse, it appears the current committee is making significant progress.

My wife of 22 years, Renee, and I live with our two dogs in the Rudgate neighborhood. Two of our kids live in this area with a half-dozen of our grandkids. The other two kids and four grandkids are in Florida and Virginia. If limited writing space weren't an issue this paragraph would be dramatically longer. Suffice it to say we have been blessed.

Dave Healy
for Texas Township Supervisor

Paid for by the Committee to Elect Dave Healy
5352 Four Seasons Drive
Kalamazoo, MI 49009

PRSRT STD
US Postage
PAID
Kalamazoo, MI
Permit No 297

*** E C R W S S ***
POSTAL CUSTOMER

It's time...to build for the future.

Do you have any Choices?

It is unusual to have so many qualified challengers in the same election. There is someone running for every position except Treasurer in this election.

If you don't meet them when they knock on your door, you can **meet them at my open house on Sunday, July 22, from 5-7 pm**. I live at 5352 Four Seasons Drive, off Bent Tree, in Rudgate. Please give me a call so I know you are coming.

Tracy Kinney, for Clerk

Calvin College grad
Project Manager / Social Worker,
Owner (2) Biggby's Coffee Restaurants
Spouse Kyle
kinneyforclerk@gmail.com
www.electkinneyforclerk.wordpress.com
7659 Farmington; 269-929-0714 Cell
[Paid for by CTE Tracy Kinney]

Wendy Mazer, for Trustee

WMU, BM; U of M, MM
Owner/Contractor, Arioso String Quartet
Administrative Assistant for husband's Financial Consulting Firm (Kevin)
Former Portage School Board Member
5124 Shepherd Glenn, 269-372-7198 Cell
Wendymazer@yahoo.com
[Paid for by CTE Wendy Mazer]

Trish Roberts, for Trustee

Western Michigan University, BS in Public Administration & Accounting
Owner/Property Manager, Eagles Ridge Apartments, 108 unit community
1213 E. Crooked Lake Drive, Spouse Jim
Votetrishroberts.com
269-217-2924 Cell
[Paid for by CTE Trish Roberts]

Tim Rogowski, for Trustee

Western Michigan University, BA
Financial Consultant, Wings Financial
Current County Commissioner (endorsed by Right To Life)
8083 Glenwynd Drive, Spouse Jill
Rogowskiforkalamazoo@yahoo.com
269-207-3594 Cell
[Paid for by CTE Tim Rogowski]

Jeff VanderRoest, for Trustee

Kalamazoo Christian H.S.; KVCC
Licensed Residential/Commercial Builder
Owner Brickstone Construction Company
Spouse Kerry
5140 Swallow
jvbrickstone@gmail.com
269-420-7747 Cell
[Paid for by CTE Jeff VanderRoest]

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

August 10, 2012

Donald Boven
7433 Finnigen Street
Mattawan, Michigan 49701

Dear Mr. Boven:

The Department of State received a response to the complaint you filed against Dave Healy, which concerns alleged violations 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 your receipt of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Dave Healy

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

August 10, 2012

Dave Healy
5352 Four Seasons Drive
Kalamazoo, Michigan 49009-8964

Dear Mr. Healy:

The Department of State acknowledges receipt of your answer letter to the complaint filed against you by Donald Boven. In your answer you allege that township board members "have spent several thousand dollars to have the attorney write memos that imply or state 'possible violations' and have then had two special meetings" prior to the election to release the memos.

If you would like to file a formal complaint and request that the Department investigate these allegations, you must file a formal complaint that includes the required certification statement and any evidentiary material that is available. I have provided a copy of a complaint form that contains the required certification statement as an enclosure with this letter. If you choose to file a complaint, please submit all materials to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

Dave Healy
5352 Four Seasons Drive
Kalamazoo, MI 49009

BUREAU OF ELECTIONS
2012 AUG -9 P 3:35
DEPT OF STATE

August 2, 2012

Department of State
Bureau of Elections, Attn: Lori Bourbonais
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing, MI 48918

RE: Complaint letter dated July 16, 2012

Dear Ms. Bourbonais:

Your 7/16/12 letter regarding the complaint filed by Trustee Don Boven alleges that I am in violation of the Michigan Campaign Finance Act for listing the township office number on a newsletter I sent out on June 28, 2012. This was the only campaign literature that had the township office phone number on it and it was identified as the township office. My personal cell and home phone numbers were also listed with it, so there was no intent to direct people to call me at the township office. As a precaution, the office phone number has been marked out on all remaining copies to be distributed.

Since this election season began, I have typically received one or two phone calls per week from people that want to contact me for something that could be considered campaign-related. When this occurs I take their number and call them back later from my cell phone when needed. That low volume of calls has not changed since this mailing. Virtually all of my campaign calls come to my personal cell phone.

The allegation that I am using the staff and township office for campaign purposes can only be referring to the person that transfers those one or two calls to my office. The staff does absolutely nothing for my campaign and is probably campaigning for those opposing me. This complaint was filed so that Mr. Boven could direct a copy to the local newspaper, which did publish a couple of negative articles about it.

If you do decide to investigate this campaign further, I would encourage you to include Mr. Boven's use of the township attorney to review my literature for purposes of identifying possible violations. The township board members have spent several thousand dollars to have the attorney write memos that imply or state "possible violations" and have then had two special meetings called for the sole purpose of releasing these memos prior to the election. Obviously, the other board members oppose my re-election.

If you have further questions, please do not hesitate to call me on my cell phone, 269-998-7836.

Best regards,

Dave Healy

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

August 29, 2012

Dave Healy
5352 Four Seasons Drive
Kalamazoo, Michigan 49009-8964

Dear Mr. Healy:

This letter concerns the complaint that was recently filed against you by Donald Boven, which relates to purported violations 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 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Boven'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,

Lori A. Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Donald Boven

August 24, 2012

Department of State
Bureau of Elections
Attention: Lori Bourbonais
Richard H. Austin Building
1st Floor
430 W. Allegan Street
Lansing, MI 48918

BUREAU OF ELECTIONS
2012 AUG 28 P 3:34
DEPT OF STATE

7433 Finnagen St.
Mattawan, MI 49001

Re: Rebuttal to Healy response

Dear Ms. Bourbonais:

This is to acknowledge that I have received a copy of Mr. Healy's response to my complaint on his use of the Township office's telephone number on his campaign literature. Unfortunately, his response fails to recognize any responsibility for his actions. He neglected to inform you that this literature was in the form of a township newsletter. In fact, I would not be surprised to learn that he wrote it on a township computer or with the template of a township newsletter in his word processing document. That alone gave the literature an air of legitimate township business, which it clearly was not.

Next, he declined to inform you that the document that I complained about was drop-shipped to all residents in the township. Everyone got it—with the township phone number on it. My concern was with the use of township resources to fuel his campaign for re-election. Township staff members would be answering telephone calls that related to it, whether they knew it or not. They would only know that there was a call for the supervisor, not that it was about an issue that he raised in his campaign literature. He got the township staff working on his campaign just by doing their jobs.

I am also concerned that the document looked like a township newsletter, with a version of the Township's "star" logo on it. Mr. Healy dismissed his use of the township's telephone number on the campaign literature to the local newspaper as "my bad". He breaks the rules and then apologizes after the damage is done.

As a township trustee I have access to the township attorney. We have had a number of accusations of violations of the Open Meetings Act and the Campaign Finance Act from Mr. Healy's consorts. The township needed to determine whether these allegations had any merit. The seeking of legal advice was authorized and, in my opinion, required to protect our great township from unfounded accusations.

I appreciate your taking the time to read this response and hope that you can conclude, like I did, that Mr. Healy's actions were over the line and that a "my bad" apology to the township after the fact is not good enough. I am enclosing a copy of the literature for your records.

Thank You,

Donald D. Boven

Don Boven, Trustee
Charter Township of Texas

Dave Healy
for Texas Township Supervisor

dlhealy@sbcglobal.net
269-375-1591 Twp Office
269-998-7836 Personal Cell

5352 Four Seasons Drive
269-353-7564 Home

June 28, 2012

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> *-Editorial, MLive, 5/23/12*

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Road Maintenance. We are one of the few communities in the state that seems to understand that we will save money in the long run by preserving our roads today. We even received a state award for our efforts.

Texas Drive Realignment. When the federal government threw billions of dollars into the air as a stimulus package, we held out our net and brought some of the money here for the realignment of the Texas Drive/8th Street intersection.

Financial Stability. The financial condition has improved, even after paying for the pavilion that houses the farmers market.

DDA Projects. The Downtown Development Authority has stepped up its efforts to create a "downtown" area at 8th Street and Q Avenue. Streetlights and sidewalk projects are a good start.

Technology in the office

We have made great strides at increasing the use of technology in the office over the past few years. When I started just 3 ½ years ago, the township staff did not even have the capability to scan a document. Fax machines were deemed adequate, as they had been for years.

Today we have the ability to scan large amounts of data. Our entire board packet is now scanned and put on the township web site before meetings. The township budget and financial information are also now scanned and added to the website. In fact, we are starting to put a lot of things on the website now that were never even considered in the past. And there is still so much more that can be done!

Kitchen Cabinet Meetings

Each month I extend an open invitation to the public to join me for coffee at Asiagos restaurant. We meet the 4th Friday of every month at 9:00 AM (3rd Friday November through January). We talk about anything and everything that's going on in the township and frequently have a County Commissioner there to talk about County activities. State Representative Margaret O'Brien is also a regular and gives us a legislative update.

Others on the township board have spent **thousands of dollars in township legal fees** trying to stop these monthly meetings from taking place. I don't understand their concern with my casual meetings with you but it may have something to do with the fact that it hasn't been done this way in the past.

I have made it clear that the meetings will continue and this has become just one more area of disagreement between me and the other board members.

Let me know if you would like to be added to the email list to receive a reminder notice.

Breakthrough Opportunity

Numerous articles and books point out that some changes cannot happen without a "breakthrough". At some point incremental changes are not enough to reach the desired goal. In the township's case, we have a culture that needs a breakthrough before it can advance our township to the next level. One new board member every four years won't get it done.

The desirability of living in Texas Township continues to bring more people to our community and that is not something we can stop.

As a township government, we must address the increasing demands of the community while controlling the cost. That will also require a breakthrough board willing to embrace the increased use of technology. The candidates listed on the back could work together to give you such a board.

****

Only a few will decide

Of the 14,679 Texas Township residents there were 10,761 registered voters in the last presidential primary election. Of those registered, 8,505, or 79%, showed up to vote in November. But because all our township board candidates are Republicans, **the township board selection process is done entirely at the August primary election**.

Only 1,944 voters showed up to vote in the 2008 primary election and many of those voted as Democrats. Since you can't split your vote in a primary, **anyone voting on the Democratic side in August 7th doesn't get to vote for the township board**. In the 2008 election, a candidate needed only 916 votes to earn a position on the board.

It's Yard Sign Time!

Displaying someone's yard sign is a great way to let someone know that you think the candidate will do a good job if elected. Candidates appreciate the gesture and it helps them communicate their candidacy to the rest of the world. And at $3-$5 per sign they can be a significant expense for a campaign.

If someone plops a yard sign down on your property, even in the road right of way, you have every right to remove it. If it's on your property, you don't have to let anyone display his or her yard sign against your will.

At the last election every one of my yard signs were placed with the owner's permission and I plan to do it the same way this time. If you would like to support my candidacy by displaying a yard sign, please send me an email or call me.

My Bio

After spending most of my first 18 years on a farm in Gobles I attended Michigan State University and earned my BA in Accounting. Tenures with Price Waterhouse and Ernst & Young gave me the experience I needed for a CPA certificate. Work experience gained through our family hardware & lumber store, several small manufacturing firms, and 15 years as CFO at Schupan & Sons gave me a solid understanding of the world of small business.

Always a public servant at heart, I have been involved in numerous activities for school, church, community and local government. My current boards/committees outside of the township government are with the Boy Scouts and United Way. I am one of the founding board members of the Texas Township Friends of Parks & Trails. I also currently serve on the Kalamazoo County Republican Party Executive Committee and am a founding board member of Tea-PAC.

My past experience as Chairman of the Van Buren County Board of Commissioners has helped me to contribute to the county 911 Central Dispatch Committee on which I serve. After many decades of impasse, it appears the current committee is making significant progress.

My wife of 22 years, Renee, and I live with our two dogs in the Rudgate neighborhood. Two of our kids live in this area with a half-dozen of our grandkids. The other two kids and four grandkids are in Florida and Virginia. If limited writing space weren't an issue this paragraph would be dramatically longer. Suffice it to say we have been blessed.

Dave Healy
for Texas Township Supervisor

Paid for by the Committee to Elect Dave Healy
5352 Four Seasons Drive
Kalamazoo, MI 49009

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*** E C R W S S ***
POSTAL CUSTOMER

It's time...to build for the future.

Do you have any Choices?

It is unusual to have so many qualified challengers in the same election. There is someone running for every position except Treasurer in this election.

If you don't meet them when they knock on your door, you can **meet them at my open house on Sunday, July 22, from 5-7 pm**. I live at 5352 Four Seasons Drive, off Bent Tree, in Rudgate. Please give me a call so I know you are coming.

Tracy Kinney, for Clerk

Calvin College grad
Project Manager / Social Worker,
Owner (2) Biggby's Coffee Restaurants
Spouse Kyle
kinneyforclerk@gmail.com
www.electkinneyforclerk.wordpress.com
7659 Farmington; 269-929-0714 Cell
[Paid for by CTE Tracy Kinney]

Wendy Mazer, for Trustee

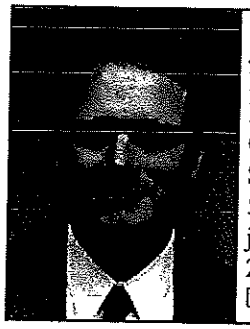
WMU, BM; U of M, MM
Owner/Contractor, Arioso String Quartet
Administrative Assistant for husband's Financial Consulting Firm (Kevin)
Former Portage School Board Member
5124 Shepherd Glenn, 269-372-7198 Cell
Wendymazer@yahoo.com
[Paid for by CTE Wendy Mazer]

Trish Roberts, for Trustee

Western Michigan University, BS in Public Administration & Accounting
Owner/Property Manager, Eagles Ridge Apartments, 108 unit community
1213 E. Crooked Lake Drive, Spouse Jim
Votetrishroberts.com
269-217-2924 Cell
[Paid for by CTE Trish Roberts]

Tim Rogowski, for Trustee

Western Michigan University, BA
Financial Consultant, Wings Financial
Current County Commissioner (endorsed by Right To Life)
8083 Glenwynd Drive, Spouse Jill
Rogowskiforkalamazoo@yahoo.com
269-207-3594 Cell
[Paid for by CTE Tim Rogowski]



Jeff VanderRoest, for Trustee

Kalamazoo Christian H.S.; KVCC
Licensed Residential/Commercial Builder
Owner Brickstone Construction Company
Spouse Kerry
5140 Swallow
jvbrickstone@gmail.com
269-420-7747 Cell
[Paid for by CTE Jeff VanderRoest]

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

November 21, 2012

Dave Healy
5352 Four Seasons Drive
Kalamazoo, Michigan 49009-8964

Dear Mr. Healy:

The Department of State (Department) has completed its initial investigation of a complaint filed against you by Donald Boven, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257, by including your office telephone number in a campaign letter to township residents and by using the township office and staff for campaign purposes. This letter concerns the disposition of Mr. Boven's complaint.

The MCFA prohibits a public body or an individual acting on its behalf from "us[ing] or authoriz[ing] the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure." MCL 169.257(1). The words "contribution" and "expenditure" are generally defined, in pertinent part, to include anything of ascertainable monetary value that is used to influence or assist a candidate's nomination or election. MCL 169.204(1), 169.206(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

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. If the Department is unable to correct or prevent additional violations, it may convene an administrative hearing or ask the Attorney General to prosecute if a crime has been committed. Id.

The complaint was filed by Mr. Boven on July 16, 2012, and you filed a written response on August 9, 2012. Mr. Boven's rebuttal statement was filed on August 28, 2012.

Mr. Boven alleged that you included your township office telephone number on a campaign mailer designed to look like a township newsletter. He further alleges that township staff and resources were used to field campaign-related phone calls. Mr. Boven provided a copy and an original of the campaign material.

In response, you stated that this mailer was "the only campaign literature that had the township office phone number on it [,]" that "there was no intent to direct people to call [you] at the township office [,]" and that "the office phone number has been marked out on all remaining copies to be distributed." You also acknowledged that you have received "one or two phone calls per week from people that want to contact [you] for something that could be considered

campaign-related[,]" but that you "take their number and call them back later from [your] cell phone when needed[,]" and that there is a staff person who "transfers those one or two calls to your office." You further stated that the staff does not help you with your campaign.

However, the Department notes that by placing your township office phone number on a newsletter that may have been construed as official, you invited campaign supporters to call you at your township office regarding campaign-related matters. The time you spent answering these phone calls diverted your attention from the ordinary business of the township and is permanently lost. Although you corrected the newsletter in an attempt to prevent further violations, no mechanism exists for recapturing the time lost to campaigning or the time spent by staff answering and transferring campaign-related phone calls.

The Department finds that the evidence supports a reason to believe that a violation of the Act has occurred. By your admission, township resources were expended by you and your staff by receiving campaign-related phone calls at the township office. The Department is mandated by the MCFA to "correct the violation or prevent a further violation" by informal methods. MCL 169.215(10). To further this objective, please provide the Department with an accounting of the number of campaign-related phone calls received and the time spent by you and your staff fielding these calls.

If the Department is unable to resolve this matter in an informal manner, the Act requires the Department to refer the matter to the Attorney General or prosecuting attorney for other enforcement action. MCL 169.257(3), MCL 169.215(10)(a).

The Department is cognizant that this campaign material was for the August 2012 primary election, that you did not appear on the November 2012 general election ballot, and a successor Township Supervisor has been elected. Your retirement from public office means that you will not have an opportunity to engage in any further conduct that violates section 57. However, the Department believes that it must address the use of township resources during the primary election campaign.

Please provide the information requested **on or before December 10, 2012.** After its review of the information, the Department will then determine how to proceed.

Sincerely,

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Donald Boven

Dave Healy
5352 Four Seasons Drive
Kalamazoo, MI 49009

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 DEC -6 AM 10:06

December 2, 2012

Lori Bourbonais
Bureau of Elections
Michigan Department of State
Richard Austin Building, 1st Floor
430 W Allegan
Lansing, MI 48918

Dear Ms. Bourbonais:

The service performed by your office is critical in order to avoid the abuse of public resources by incumbent politicians. I detest the periodic abuse that sometimes occurs and appreciate that you are diligently following up on all complaints. It is unfortunate and embarrassing that you believe the evidence supports a reason to believe my mailing constitutes a violation of the Michigan Campaign Finance Act. Below is my response to your comments and an accounting of the time spent related to campaign-related calls.

My newsletter was generated on my home computer using a standard template from Microsoft Publisher 2010. The Logo is the same one I have used on all my signs and literature since I had it developed almost five years ago and is not even close to the township logo in appearance or in color. The current mailer is also clearly identified as being paid for by my campaign committee. The only real similarity with the Township newsletter is that they are both an effective way to communicate a large amount of data in a cost effective manner.

In my newsletter there is only one place in which I invite the reader to contact me. That is at the end of page 3 where I mention the Kitchen Cabinet Meetings. These meetings have occurred since I took public office as a way to stay in touch with our community. Any calls generated by this comment in my newsletter should probably be considered job-related and not campaign-related anyway.

It should also be noted that I maintain a personal cell phone that I frequently use for township business. I even list it on my township business card. The township does not reimburse me for any portion of the cost of my cell phone. I do not ask for any reimbursement in an effort to avoid any appearance of abusing public resources. That is why Mr. Boven's claims are so ironic.

My newsletter came out about five weeks before the primary election. At most, I may have received one or two potentially campaign-related or personal calls through the office phone during those weeks, which is no different than any time before my mailing. For any potential campaign-related call, I would always call them back on my own phone, outside of the office. It takes less than ten seconds to answer and transfer a call, so staff may have spent a ***total of one to two minutes*** of time dealing with all these

calls over the five weeks. No written messages were taken. If I was not there to answer the call, it would automatically go to my voice-mail. Hopefully, you can see that Mr. Boven's motivation was not concern for abuse of township resources, especially when compared to the amount of time Mr. Boven spent talking about this matter with our township attorney, who is paid by the hour.

As for my time, I would always spend more than forty hours per week on my salaried township Supervisor job, especially when considering all the after-hours meetings I would attend. Answering those few calls mentioned above and telling them I would call them back took perhaps a minute per call, at most, for a total of five to ten minutes. Even dealing with those calls when I called them back later took less than an hour in total.

I hope this provides you with sufficient information to resolve this case. I also hope the de minimis financial impact of this particular complaint will allow you to conclude that no further action is necessary.

Sincerely,

Dave Healy

Dave Healy