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

August 2, 2012

Howard Sherman
2200 Mayer Road
Columbus, Michigan 48063

Dear Mr. Sherman:

The Department of State (Department) received a formal complaint filed by Diana Christy 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 your campaign signs. 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), 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(5).

In support of her complaint, Ms. Christy provided a picture of a sign which states "HOWARD SHERMAN FOR TOWNSHIP SUPERVISOR [.]" It appears that there is no "paid for by" statement on the sign.

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 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, 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 Ms. Christy, 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 47(5) of the Act.

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

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Diana Christy

BUREAU OF ELECTIONS
MI DEPT OF STATE

Reset Form

# Michigan Department of State
# Campaign Finance Complaint Form

2012 JUL 26 PM 3:04

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<br>Diana Christy | | Daytime Telephone Number<br>810-990-7358 |
| Mailing Address<br>8190 Rattle Run Rd | | |
| City<br>Columbus | State<br>MI | Zip<br>48063 |

| **Section 2. Alleged Violator** | | |
|---|---|---|
| Name<br>Harold Sherman | | |
| Mailing Address<br>2200 Mayer Rd | | |
| City<br>Columbus | State<br>MI | Zip<br>48063 |

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

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

Act 388 of 1976 Section 169.247

**Explain how those sections were violated:**

No reference as to how YARD signs are paid for.

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

See Attached picture of sign (yard sign)

**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 Dirina Christy — 7-23-12

Signature of Complainant — 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:***

_____

_____

_____

_____

_____

_____

X _____ _____

Signature of Complainant — 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

Revised 06/03/2011

# HOWARD
# SHERMAN
## FOR
## TOWNSHIP SUPERVISOR

Picture taken on 7-23-2012

Meetings
Laws

Recently Viewed

mcl 169 247
mcl 169 237
mcl Act 388 of 1976

# Section 169.247

friendly link Printer Friendly

**MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)**
**Act 388 of 1976**

**169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; names and addresses; rules; exemptions; statement that payment made "with regulated funds"; violation as misdemeanor; penalty.**

Sec. 47.

(1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring perso as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with subsection (3) and with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by .....".
(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a candidate committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00, or imprisonment for not more than 93 days, or both.

**History:** 1976, Act 388, Eff. June 1, 1977 ;-- Am. 1978, Act 348, Imd. Eff. July 12, 1978 ;-- Am. 1996, Act 225, Imd. Eff. May 30, 1996 ;-- Am. 2001, Act 250, Eff. Mar. 22, 2002
**Compiler's Notes:** Section 2 of Act 225 of 1996, which amended this section, provides:"Section 2. If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions

are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

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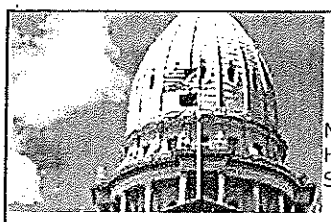


# MICHIGAN LEGISLATIVE WEBSITE

Michigan Compiled Laws Complete Through PA 200 & includes 202-223, 240 & 249 of 2012
House: Adjourned until Wednesday, August 15, 2012 12:00:00 PM
Senate: Adjourned until Wednesday, August 15, 2012 12:00:00 PM

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

August 21, 2012

Diana Christy
8190 Rattle Run Road
Columbus, Michigan 48063

Dear Ms. Christy:

The Department of State received a response to the complaint you filed against Harold Sherman, 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 the date 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: Harold Sherman

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 AUG 21 PM 3:05

Howard Sherman
2200 Mayer Road
Columbus, Michigan 48063

August 16, 2012

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

Re: Diana Christy Formal Complaint

Dear Ms. Bourbonais,

This recent election is my first venture into elective politics. I'm a semi-retired local farmer in the community and thought I would volunteer my time to help others.

I received some papers from the county, one instructed me where to place signs on the road. The primary concern was to not obstruct the view of auto traffic, particularly at corners.

The lady at the county offices showed me how to fill out the form she provided, pointing out not to exceed $1,000.00 in expenditures. I have provided copies of my invoices of the monies I have spent, which is less than the limit. The lady never mentioned anything else to me so I went to the print shop and ordered my sign material.

I did not have any kind of committee, I did everything myself.

Because the election is over and I lost, any corrective action is unnecessary. However in the future I will ask more questions.

Sincerely,

Howard Sherman

enclosures

# PARKSIDE PRINTING, INK

"Thrifty" Speedy Since 1969

"ACROSS FROM THE OLD POST OFFICE"
1319 MILITARY STREET
PORT HURON, MICHIGAN 48060
(810) 985-8484 • FAX (810) 985-8486

Customer's Order No. _____ Date 7/9/ ,2012

Howard Sherman

Address

City/State

| CASH | CHARGE | ON ACCT. | PHONE & CONTACT PERSON | Non Taxable |
|---|---|---|---|---|
| | | | 329-9466 | |

| Quantity | DESCRIPTION | AMOUNT | |
|---|---|---|---|
| 100 | Signs | 511 | 00 |
| | Sales Tax | 30 | 66 |
| | | 541 | 66 |
| | Pd M/C 7/9/12 TC | | |

122625

TERMS: Net 15 Days Of Invoice Date

VISA MasterCard

Rec'd by

PLEASE PAY FROM THIS INVOICE

All claims and returned goods MUST be accompanied by this bill.

7/10/12 (
9:30 am

# PARKSIDE PRINTING, INK

"Thrifty" Speedy Since 1969

"ACROSS FROM THE OLD POST OFFICE"
1319 MILITARY STREET
PORT HURON, MICHIGAN 48060
(810) 985-8484 • FAX (810) 985-8486

Customer's Order No. _____ Date 7/10/ ,2012

Howard Sherman

Address

City/State

| CASH | CHARGE | ON ACCT. | PHONE & CONTACT PERSON | Non Taxable |
|---|---|---|---|---|
| | | | 329-9466 | |

| Quantity | DESCRIPTION | AMOUNT | |
|---|---|---|---|
| 1000 | Post Cards | 106 | 05 |
| | Sales Tax | 6 | 36 |
| | | 112 | 41 |
| | Sent - N/C | | |
| | Pd 7/10/12 TC M/C | | |

122623

TERMS: Net 15 Days Of Invoice Date

VISA MasterCard

Rec'd by

PLEASE PAY FROM THIS INVOICE

All claims and returned goods MUST be accompanied by this bill.

JANEL 985-2222

%%%%

OFFICIAL RECEIPT

# ST. CLAIR COUNTY

Jay M. DeBoyer / County Clerk
201 McMorran Boulevard
Port Huron, MI 48060

RECEIPT # - B 064044

DATE: 5/31/12

NAME: HOWARD SHERMAN

| | |
|---|---|
| ITEMS: 1 ELECTIONS | 25.00 |
| | .00 |
| | .00 |
| | .00 |
| | .00 |
| | .00 |

| | |
|---|---|
| TOTAL AMOUNT | 25.00 |
| CASH TENDERED | 25.00 |
| CHECK TENDERED | .00 |
| CHANGE GIVEN | .00 |

OPERATOR: JKS

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

September 13, 2012

Howard Sherman
2200 Mayer Road
Columbus, Michigan 48063

Dear Mr. Sherman:

This letter concerns the complaint that was recently filed against you by Diana Christy, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA), 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. Ms Christy'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: Diana Christy

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 SEP 10 PM 3:28

Diana Christy
8190 Rattle Run Rd.,
Columbus, MI 48063

August 30, 2012

State of Michigan
Bureau of Elections
Richard H. Austin Building, 1st floor
430 W. Allegan
Lansing, MI 48918

Dear Lori A. Bourbonais,

RE: Howard Sherman Campaign

I never questioned how much money Mr. Sherman spent, nor do I care. I just felt it was my duty to report that his signs were improperly made and improperly displayed (and some of them are still out there) so that he could correct the issue. The instructions provided for campaigns to follow are very clear and easy to follow and not open to interpretation. I am not trying to get Mr. Sherman in trouble and it doesn't matter to me whether you take any action or not, but the fact that the election is over and whether he lost or not is irrelevant. I feel that we all have to follow the law even if you are just "a local farmer".

Sincerely,

Diana Christy

Diana Christy

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

August 21, 2012

Diana Christy
8190 Rattle Run Road
Columbus, Michigan 48063

Dear Ms. Christy:

The Department of State received a response to the complaint you filed against Harold Sherman, 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 the date 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: Harold Sherman

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

December 6, 2012

Howard Sherman
2200 Mayer Road
Columbus, Michigan 48063

Dear Mr. Sherman:

The Department of State (Department) has completed its investigation of a complaint filed against you by Diana Christy, 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 printed campaign material. This letter concerns the disposition of Ms. Christy'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(5).

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.

The complaint was filed by Ms. Christy on July 26, 2012. You filed a written response on August 21, 2012, and Ms. Christy filed a rebuttal statement on September 10, 2012.

Ms. Christy alleged that you did not include a "reference as to how [your] yard signs [were] paid for" on your campaign signs. Ms. Christy provided as evidence a picture of a sign which states "HOWARD SHERMAN FOR TOWNSHIP SUPERVISOR [.]" It appears that there is no paid-for-by statement on the sign.

In response, you filed a letter which stated that you "received some papers from the county, one instructed [you] where to place the signs on the road." You also stated that you were instructed as to how to fill out the appropriate paperwork, but that nothing else was mentioned to you. Finally, you stated that you did not take any corrective measures "[b]ecause the election is over and [you] lost [,]" but that "in the future [you] will ask more questions." You also provided a receipt for the signs in question.

While the Department believes that the evidence tends to show that your campaign material failed to contain a proper paid-for-by statement, section 15(10) of the MCFA requires the

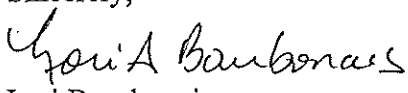
Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]" The Department also believes that the evidence tends to show that this was not a knowing violation. Additionally, the Department acknowledges that your campaign ended after the August 2012 primary and your materials are no longer in use.

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 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(5), 215(10).

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

Sincerely,



Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Diana Christy