



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

December 18, 2013

The Honorable Kurt Metzger
28 Sylvan Avenue
Pleasant Ridge, Michigan 48069

Dear Mayor Metzger:

The Department of State (Department) received a formal complaint filed against you by Dr. Michael Church, 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-related material. A copy of the complaint and supporting documentation 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 his complaint, Dr. Church provided a campaign card which states "Vote for Kurt Metzger on November 5th!" It appears that there is no paid-for-by statement on the card.

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. 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 Dr. Church, 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.

The Honorable Kurt Metzger
December 18, 2013
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If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Dr. Michael Church

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

Attn: Lorri Bourbonais

December 6, 2013
RE: Campaign Finance Complaint

Dear Ms Bourbonais or to whom it may concern:

In the recent mayoral election in Pleasant Ridge, Oakland County, Michigan, there seemingly was a violation of the law concerning the election and campaigning processes. Specifically, the campaign flyer for mayoral candidate Kurt Metzger DID NOT contain the statement "Paid for by the Committee to Elect Kurt Metzger" and associated address as required by the Michigan Campaign Finance Act (MCFA), Section 169.247, subsection (1). It is my understanding that the absence of such information is an election and campaigning violation that is punishable by a fine. This flyer was passed out to me and all my neighbors and the approximately 1100 households in Pleasant Ridge just prior to the election.

The Kurt Metzger campaign flyer is enclosed for your verification. I also enclosed the campaign flyers for Bret Scott and Jay Foreman whose campaign flyers were published, bundled (tied), and distributed together with the Kurt Metzger flyer, as all 3 individuals campaigned together. You will notice that the Bret Scott and Jay Foreman flyers contained the appropriate information. Also, Mr. Metzger's campaign manager, councilwoman Ann Perry, has campaigned before and thus knows the MCFA rules. I point this out to underscore that Mr. Metzger and his campaign manager and committee members cannot claim ignorance about this aspect of the MCFA law. It also invites speculation that this information was purposefully omitted to hide a source of the campaign flyer's funding. This latter point merits investigation.

This is not the only disturbing thing that happened during the recent election. For example, there were at least 3 individuals who were stealing on multiple occasions Ryan Stearn's campaign signs. This was caught on a surveillance camera. One of these persons was identified by the police as a Kurt Metzger neighbor and supporter. Candidate Ryan Stearn was also slandered on FaceBook.com by an anonymous person who claimed that Ryan was drunk at a party when, in fact, he was completely sober.

In addition, one potential candidate was blackmailed into not running for re-election. He got an anonymous message saying that if he didn't pull out of the race, the blackmailer would reveal that he had a prior conviction for DUI and once

smoked marijuana...both events occurring years ago in his youth (personal communication).

Because the recent election in Pleasant Ridge was marred by so many violations of the law and dirty tricks, the integrity of the election and democratic processes were ruined. Thus, I hope you will take actions against the individuals who were responsible for the MCFA law violation concerning the campaign flyer. This will hopefully send a strong message of zero tolerance to those who lack honor and integrity and feel that they can willfully ignore and violate election laws and the democratic process.

I strongly suggest that the State of Michigan also obtain and examine the report by the Treasurer of the Kurt Metzger campaign committee to accurately determine how many such campaign flyers were published and distributed, to determine all sources that paid for the printed matter, and to determine if there were any other violations of the MCFA.

Finally, I wish to make it clear that I am not accusing Kurt Metzger of any personal knowledge about the wrong doings mentioned in paragraphs 2-3. Perhaps Mr Metzger is a man of integrity who will publicly denounce the dishonorable and illegal actions of his supporters and seek to identify them.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Church". The signature is fluid and cursive, with a large initial "M" and a trailing flourish.

Dr. Michael Church
46 Oxford Blvd
Pleasant Ridge, MI 48069

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 Dr. Michael Church	Daytime Telephone Number 248-543-0398	
Mailing Address 46 Oxford Blvd		
City Pleasant Ridge	State MI	Zip 48069

Section 2. Alleged Violator		
Name Kurt Metzger and/or his Campaign Committee and/or Campaign Manager		
Mailing Address 28 Sylvan Avenue		
City Pleasant Ridge	State MI	Zip 48069

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

Section(s) of the MCFA violated: MCFA section 169.247, subsection (1)

Explain how those sections were violated:

Campaign flyer (printer matter) did NOT "bear upon it the name and address of the person paying for the matter." Also, please refer to enclosed letter for details.

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

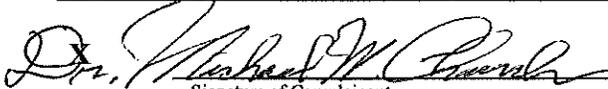
See enclosed campaign flyers.

2013 NOV 25 PM 3:47

BUREAU OF ELECTIONS
MI DEPT OF STATE

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.


Signature of Complainant

19 November 2013

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

VOTE



"EVERY ELECTION IS DETERMINED
BY THE PEOPLE WHO SHOW UP"

VOTE FOR KURT METZGER ON NOVEMBER 5

Vote
Nov. 5th
**Kurt
Metzger**
MAYOR • PLEASANT RIDGE
VoteKurtMetzger.com

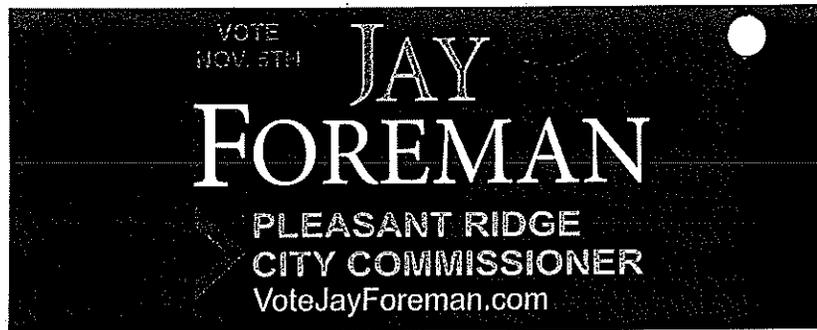
LET'S WORK TOGETHER

Vote for Kurt Metzger on November 5th!

A vote for Kurt Metzger represents a vote for...

- Leadership - Turning Vision into Action
- Government Transparency
- Financial Decisions Based on Value and Cost
- High-quality Police, Fire and Emergency services
- Integrity
- Increased Opportunities for Citizen Involvement
- 21st Century Technology for 21st Century Communication
- Strong Local and Regional Partnerships

The Right Experience at the Right Time for Pleasant Ridge



I'm running for Pleasant Ridge City Commissioner and I'm asking for your vote this November 5th.

If I am elected, I will work to:

- > **Improve city communications** so it's easy to be Informed and Involved
- > Make our city's many special amenities more **available and accessible**
- > Ensure we are **adapting to meet the needs** of our residents - of all ages
- > Increase the focus on **maintenance and enhancement** of our public spaces
- > **Strengthen the neighborhood bonds** that define Pleasant Ridge

Paid for by the Committee To Elect Jay Foreman, 31 Elm Park Blvd., Pleasant Ridge, MI 48068

VOTE NOV 5

Let's work together to make our great city even better.

Bret's immediate priorities:

- Hiring our next City Manager
- Improving the billing of our utilities
- Building a complete and clear budget
- Resolving old maintenance issues
- Aligning various city plans
- Inviting resident involvement
- Leading by example

plan

maintain

think forward

Planning, Maintenance, and Thinking Forward: three simple concepts that are the keys to sound governance

BRET SCOTT
PLEASANT RIDGE
CITY COMMISSION
VOTEBRETSCOTT.COM

VOTE NOV 5

votebretscott.com

Planning, Maintenance, and Thinking Forward: three simple concepts that are the keys to sound governance



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

January 13, 2014

Dr. Michael Church
46 Oxford Boulevard
Pleasant Ridge, Michigan 48069

Dear Dr. Church:

The Department of State received a response to the complaint you filed against Kurt Metzger, 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, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Kurt Metzger